Why We Fail as Revolutionaries *I. F. Stone*

THE NEW REPUBLIC

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Lawless Lawmen

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Violence in the City — *The Editors*

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THE VITAL CHOICE

between a Congress which acts responsibly on national and international problems and one throttled by the Dixiecrat-Goldwater coalition, will be made in the 1966 Congressional elections.

- **It depends—as a practical matter—on what happens in 10 percent of the 435 Congressional districts, and what happens in several key Senate contests.**
- **It depends on whether enough citizens like you realize that the moderate response to the Viet Nam war will collapse if world-minded candidates are overwhelmed by extremists at the polls.**
- **It depends on whether forward-looking candidates in marginal districts have the funds to match the spending of their opponents on TV, radio, billboards, printing, etc.**
- **It depends on YOU. The November decision is being made in the campaign now. We must act now.**

We feel that 1966 may be the most fateful mid-term election of this century. At stake is whether responsible liberalism in America can be preserved as a vital force; whether men of integrity who exercise independent judgment can survive and expand their influence. If we fail many of the new starts of the Great Society will be stunted or uprooted. This is the picture according to the National Committe for an Effective Congress:

"The Dixiecrat-Goldwater coalition, its strategists and its backers, believe that they can return to power this year—that again they can lead without leading. They seek victory through exploiting Viet Nam, through appeals for extreme military steps, and by expanding confusion at home. Their election targets are picked from the 180 House members in the Democratic Study Group (DSG), the driving force behind the great programs won in this Congress: furthermore, the DSG continues to be the independent voice urging restraint, seeking moderate solutions to the Viet Nam war.

"The 89th Congress became the DSG Congress only after 7 years of building gave the Group strength to break the stranglehold of the Rules Committee. Then followed historic legislation in civil right, medical care, education assistance, war on poverty's roots, and programs from rent supplements to aid for the Arts and Humanities. Should DSG members be lost, these programs will suffer. The Negative Coalition is mounting a frenzied effort to remove the legislators who produced these gains. Over a million dollars is being directed solely to defeat DSG members—50 of whom are marginal. More millions will follow. The extremist goal is a 90th Congress that would revert to the 80th Congress, which produced the Radical Right of Joe McCarthy.

"The Negative Coalition also has sights trained on key Senate contests. The vote of a Senator from Idaho, Nebraska, or Wyoming is as potent as the vote of a Senator from New York or California and they know this. Today the team of Goldwater followers, Birchites, and reactionary business interests are cultivating the old isolationist ground with Strangelove fantasies of the Radical Right. In this scheme Montana's liberal Senator, Lee Metcalf, the first DSG chairman, is a special target. To elect Metcalf's opponent, Barry Goldwater says 'I'd climb the tallest mountain on my knees.' "

We, who have served in both the House and Senate, know that we must sustain the Democratic liberals at the polls if we seek a moderate solution to Viet Nam, and hope to retain the hard-won domestic gains. The candidate with courage to advocate restraint will be jeered at by radicals of the Left, and ultimately may be picked off by radicals of the Right. Today the Center is the vital citadel of liberalism. Don't let it become dead center.

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Eugene J. McCarthy

EUGENE J. McCARTHY
United States Senator

George McGovern

GEORGE McGOVERN
United States Senator

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T.R.B. from Washington

The Hound and the Rabbit

★ The most compelling phrase in the English language after "I do," is, "three . . . two . . . one . . . ignition." Let's talk about both expressions.

We found ourself down at Cape Kennedy last week watching the Young-Collins space shot in a world wholly unfamiliar to us. People talked what sounded like English, but wasn't. It was like sending a Hottentot to cover Luci Johnson's wedding.

The shot itself, of course, was the main thing. We had never seen one before; television doesn't do it justice. There was that heart-stopping split-second after "ignition." Then a burst of smoke across the meadow, a mile-and-a-half away. Then a hot light. Seconds later a rumble of sound. This was the Agena 10 – the target rabbit that Gemini 10, the hound of heaven, would chase and find. After 100 minutes' head start the countdown came for Gemini again. "Ignition."

Summer Thunder

★ This time the puff of smoke was bigger and the white light at the side intensely bright, like an acetylene flame. The noise, when it got across the meadow, might have passed for summer thunder but it had a rhythm in it, a kind of pulse. Then the great silver needle rose in slow splendor, carrying its forked flame behind it. It was unbelievable.

It was the Indian rope trick done with a freight car. What was most impressive was the *deliberateness* of the rise with a kind of regal assurance, straight up. Birds flapped wildly around over the Florida sandflats. There was a great cloud of condensation vapor as it hit the sky. In no time Messrs. Collins and Young were on their way like a couple of gnats riding a Roman candle.

Experts briefed the newsmen afterward with a vocabulary of angstroms, azimuths, burns, ions and glitches. The whole space experiment would collapse if they couldn't use "umbilical." What impressed this aging reporter was the youth of these brilliant technicians, also their mood. It was unmistakable. They were dancing up and down with excitement; tests to measure the pressure of sunlight; finding out if a satellite carries an atmosphere of earth dust; peeking at stars outside the earth's curtain; testing whether microorganisms can live in space (maybe that's how life got to earth). The scientists are on the fringes of the universe; they are looking over the fence. Here is the great laboratory that is changing "don't know," into "dimly perceive."

From Kitty Hawk to Cape Kennedy

★ As a young man TRB accompanied Orville Wright and an official party in top hats down the Potomac to commemorate the 25th anniversary of the first flight. The sand dunes at Kitty-hawk were unstable, but some local gaffers had agreed to take oath that such and such a sliding hill was the right one, and everyone made speeches about the amazing progress of aviation since the silly old days of 1903. They were still flying biplanes, then.

And shortly the US will be celebrating the 40th anniversary of Lindbergh's flight. Well, you need landmarks like that to get perspective on Cape Kennedy. Today earth-orbiting is so routine that the public says ho-hum. It takes a sudden emergency like that of Collins and Young with the noxious fumes to recall the perils that brave men accept so matter-of-factly. Pursuit, rendezvous and union are as natural now as the ascent of the water moth in its nuptial flight above a New England pond, till it meets its mate beyond the sight of men.

What awed us at Cape Kennedy even more than Gemini's single flight was the production-line of space craft which are now operating.

We had never got the hang before of the three stages in the $20 billion moon operation.

They all fit together. First were the one-man Mercurys. They are over now. Today the two-man Geminis are also almost phased out. They are being put up at six-week intervals with two more flights scheduled. Then comes stage three: Project Apollo.

This is simply stunning. The Cape doesn't wait to end Gemini to start Apollo. The hangar or "barn" for Apollo is all built, higher than the Statue of Liberty; in fact you could push the entire United Nations building into either door.

A stupendous mock-up Apollo points upward at its landing pad, speculatively eyeing the moon. It is as impressive as a pyramid. But this thing, or something like it, will make a lunar trip within the foreseeable future.

The cost is vast. Maybe unwise. Personally it makes us tingle. Man is a puny thing in a lot of ways but, let's face it, he is indomitable. What the Russians have up their sleeves we don't know, but since they launched their last manned space craft the US has put up half a dozen. At the Kennedy Space Center they are now running sight-seeing buses for the public to see the place. They charge $1.75, which seems outrageous, but at least it's public.

Here Comes the Bride

★ Earlier we mentioned "I do" as a phrase of equal potency with countdowns. Normally we don't read women's pages. But a chance dinner table encounter with a society editor tore a veil from our eyes – the absolutely frenzied world of Luci Johnson's wedding, August 6. Where have we been? Every woman in the whole country is talking about it. Brides always have their backs to the public.

Ah, but the expression of this one, clad in a gown which *Women's Wear Daily* has already been penalized for prematurely revealing, will be reported. Something about a peep-hole through the banked Cathedral's flowers, we believe, from which a pool correspondent will scurry back to give eyewitness details to "the gals" (society reporters are always "the gals"). "She smiled softly"; "her lips trembled," or – oh rapture – "she dropped a tear." Somehow we sympathize with Papa Lyndon till this ordeal is over.

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Violence in the City

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In the space of three years, ghetto riots have become part of America's summer scene, like music festivals and Boy Scout camp. But this month's rioting in Chicago's sordid West Side slums was hardly a summer festival. By the time the National Guard moved in a 4,000-man army of occupation, two Negroes were dead, hundreds were wounded, 400 were in jail, and uncounted thousands of dollars worth of damage had been done in the burning, looting, and wanton wreckage. Similar outbreaks followed in Cleveland and New York.

Chicago expected a riot and, as best as it could, planned for one. The jazzy, "modern" police force of former army Col. Orlando W. Wilson developed elaborate counterinsurgency tactics – flying squads, special weaponry, and a Task Force of trained shock troops. Mayor Richard J. Daley owns the key to the Poverty Program treasury and has been dispensing bullion from its (dwindling) supply in hopes of buying off potential rioters. Policemen on their nightly patrols worried about "the incident"; "It won't be me," they all said. Presumably, the officers who turned off a fire hydrant one sweltering afternoon had no idea that that was "the incident." Then, somehow, all the plans fell apart. No one cared about the Neighborhood Youth Corps centers, the pre-schools, or the Foster Grandparents program. The police Task Force couldn't begin to cope with 5,000 rampaging slum-dwellers. The frightened, cautious cops turned into storm troopers, beating Negroes, smashing bars, cursing the mob. A white Chicagoan who stayed as an intermediary in a precinct station one night reported the pep talk given departing squads: "the bounty is a buck a head."

Like hurricanes in the storm season, riots in the summer are predictable in the gross sense, but little understood. It is still unknown why particular riots happen (why Chicago, not Washington?), what path they will follow, and what intensity they will have. What passes for explanations of their causes – frustration, desperation, promised but unfulfilled reforms – sound like rationalizations out of paperback sociology texts. Nor does anyone know how to prevent or cure riots. Mayor Daley's idea, after the riots, was the granting of ten $1,000 prefabricated swimming pools to the ghetto. Presents like that may reinforce the violent impulse, rather than diminish it; if the poor win rewards for rioting and get nothing for patience, it is clear what they will choose.

No program of social services which is now politically probable in the US will avert riots over the long run. The President preaches econ-

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omy – except in Vietnam. The whites who control city and state governments are too stingy, fearful, and uncomprehending. Life for the urban poor remains intolerable, not only in absolute terms, but relative to the way the white, segregated, air-conditioned, roach-free middle class lives outside the ghettoes. In the West Side of Chicago, the unemployment rate is 15 percent (about four times the national average), housing is squalid and expensive, and the police are perpetually harassing and occasionally, brutal (city cops made 250,000 gratuitous "stops" last year on the off chance of picking up a fugitive or an illegal weapon). Nothing less than an overhaul of the economy and the politics of urban America will meet the needs of the poor in the breeding grounds of riots – and that will take inspired national leadership and massive infusions of federal funds.

The immediate, local response to the problem is a show of force, which often serves to trigger rather than deter violence. Indeed, all the riots have been directed against the police; the sight of a flashing blue light or a police uniform does more to inflame the slum population than pacify it. The tactic of police withdrawal instead of advance has never been tried in good faith, and it is doubtful that any mayor in the country would be brave enough to consider such an experiment. As in Watts, Chicago, and Cleveland, the army must be called to put down the rioting, and it may be that some day US cities will be occupied by soldiers all summer long, as a matter of course.

A case may be made for riots. "People will not live like animals," Vice President Humphrey said last week in New Orleans. "I'd hate to be stuck on a fourth floor of a tenement with rats nibbling on the kids' toes – and they do – with garbage uncollected – and it is – with the streets filthy, with no swimming pools, with little or no recreation. I've got enough spark left in me to lead a mighty good revolt under those conditions."

When the revolt is big enough – a "Watts" – it energizes the whole black community and gives Negroes of all classes and generations a certain sense of identity. The story is told in Watts of a well-educated, "integrated" Negro engineer who would stop off in the riot area after work each afternoon last August for a few hours of "bricking"; then he would go home to his suburban tract for martinis and chit-chat with his white neighbors – many of whom were armed, and all of whom were aghast at the situation back on "Charcoal Alley." Where there is no broadly representative community organization, riots can be the stimulus for action. A year ago, the black "leaders" in Watts had no contact with the poor Negroes; they spoke only to the whites downtown. Those "leaders" were discarded during the riots because they could not control their constituents. Now there are dozens of new organizations and new leaders, reflecting in some way the yearnings of people who have no other means of political expression in Mayor Yorty's Los Angeles.

When more subtle forms of pressure fail, riots remain a practical way to get improvements in the ghetto. Illinois' Governor Otto Kerner barely had time to sign an executive order prohibiting housing discrimination before he called out the National Guard. The McCone Commission report was hardly a response equal to the enormity of Watts, although at least it recognized problems that had previously been ignored in California. Tactically, small riots are probably more effective than big ones. The backlash to Watts has been strong enough to destroy chances for effective political action by and for the Negro. Where the community is threatened but not terrorized, government officials have been able to make modest reforms.

But despite the psychological benefits and the new swimming pools, violence represents the failure of social policy. Energy is wasted as quickly as it is created. The role of anti-poverty and civil rights organizations has been to direct the passions for change in practicable strategies rather than let them dissipate in the mass autism of riots.

How little these organizations have succeeded is immediately apparent in Chicago. Martin Luther King's first Northern ghetto operation has been going on in the West Side for six months, and while he has done some interesting things (for example, taking over buildings from slumlords) he has not reached the heart of the ghetto poor. Instead, he has excited them just enough to want action. "King and his people didn't know what to do," Saul Alinsky said in a newspaper interview during the Chicago riots, "so they started to talk about power and self-interest, but without an organizational base in the neighborhood. It was like giving matches to pyromaniacs. He was setting it up for a riot without knowing it. . . . If there ever was a case of taking a broad out and getting her upset and then not giving her sex . . . this was what King did here."

King is in a classic bind. He cannot deliver "integration" to the Negroes he brings into the streets, and he cannot deliver "control" for the whites who give him money and support. Since Watts, King's fund-raising appeals have been aimed at the "liberal backlash" – the well-meaning whites who want Negroes to get their civil rights but are terrified of conflict. Now he has failed to make good on his promise of producing a nonviolent equivalent of riots. At the same time, the Johnson Administration has cut King off from power in Washington. It seems likely that he will have to shore up his operations with his own form of "black power." His Chicago staff assistants have been sounding more and more like SNCC and CORE workers. It is the only way they know of reaching the poor Negroes. King must capture the mood of the ghetto or fail.

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Housing in the House

Following hearings, and much travail of mind and spirit on the part of Northern members who normally support civil rights legislation, the House Committee on the Judiciary has reported out an amended version of President Johnson's Civil Rights Bill of 1966. The most important and most extensive changes are in the provisions that deal with discrimination in housing.

The housing title of the Administration bill was as comprehensive in coverage as it could well be made. It forbade discrimination in the sale or rental of all units of housing and of land sold or leased for residential building, and its prohibition ran to both owners and agents. The trouble with the Administration bill was that it was chiefly declaratory; enforcement was entirely by litigation, much of which would have involved jury trials, and been, therefore, more than usually uncertain of result. No administrative enforcement was provided, either directly, or, as in Title VI of the Civil Rights Act of 1964, through use of the financial leverage afforded by federal grant-in-aid and loan and guaranty programs. The amended House bill, on the other hand, has teeth. In addition to allowing private parties and the Attorney General to litigate, as did the Administration bill, the House version also establishes a strong administrative agency with investigative, hearing, and enforcement powers as effective as those of the National Labor Relations Board. But the coverage of the House bill – this was the quid for the quo in the compromise that produced it – is very much narrower.

The simplest way to characterize the House bill is to say that, by and large, it insulates the middle-class suburb and the residential city neighborhood. Where the Administration bill spoke to owners of housing units and of residential land as well as to agents, the House bill addresses its prohibitions only to agents and to persons "in the business of developing, selling, renting or leasing dwellings." Sales of land are not covered at all, by whomever made, and owners of single-family homes, as well as owners of houses occupied by as many as three families in addition to themselves, are specifically exempted; they have, in effect, license to discriminate. It is made reasonably clear, moreover, that if the owner of a housing unit – provided only that he is not "in the business of building, selling, etc." – tells his agent that he does not wish to sell to Negroes, or Catholics, or anyone else he dislikes, the agent is then himself free to put the owner's desired discrimination into effect. And any direct sale or rental, without an agent, by an owner – an owner of anything, provided only, again that he is not a developer or otherwise "in the business" – is in no way covered by the House bill.

Is it more likely in future legislative battles that adequate enforcement powers can be added to a broad declarative statute such as the Administration first proposed, or that the coverage of a well-enforced narrow law can be gradually enlarged? The answer is a prophecy, and one's prophecy governs the choice between a do-or-die battle for the broad coverage of the Administration bill and acceptance of the House version.

Another Virginia

A decade ago, Virginia was the intellectual and political leader of the Old Confederacy. It named and practiced "massive resistance" – first to school desegregation, and thereafter to every liberalizing trend in public policy and law. Its senior senator, Harry Flood Byrd, was the John C. Calhoun of his day. The dean of its congressional delegation was Judge (pronounced "jidge") Howard W. Smith. They were masters of their respective Chambers – Byrd from the vantage point of the Senate Finance Committee, and Smith as chairman of the House Rules Committee. Together, they guarded the conservative establishment like warrior gods at a Japanese shrine.

Then the Northern Virginia suburbs of Washington,

Relief

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D. C., filled up with government employees who had no particular attachment to the ruling families. Negroes in Southside were moved by civil rights activists to show what strength they had; in 1962 and even more strikingly in 1964 they committed the discourtesy of voting in elections. Then the poll tax was outlawed for federal elections, and declared unconstitutional in state elections. At last, congressional districts were reapportioned to give Negroes and Northern Virginians more influence in their districts.

It all came out in the wash two weeks ago. In the first seriously contested primary in uncounted generations, the *ancien regime* of the Byrd Organization was reduced to a dying king and a weak dauphin. As old Harry Byrd lay in his last coma (with a malignant brain tumor), young Harry, Jr., squeaked through to win the Democratic nomination for the remaining four years of his father's term. But the cardinal and the prime minister were guillotined. Senator A. Willis Robertson, 79, lost renomination to a politically moderate state senator, William B. Spong, and Old Judge Smith was defeated by an exuberant state legislator, George C. Rawlings.

The upsets in incredibly close votes – Spong and Rawlings won by under 800 votes each and there may be recounts – confirm the changes that have taken place in Virginia, even if they do not foreshadow any radical transformation. The Byrd Organization still exists, though it must hereafter compete with other power blocs. The Organization actually proved to be more adaptable than its critics ever admitted. It slipped rather easily from an elite of the old aristocracy into a coalition of more modern entrepreneurs and professionals. "It went from feudalism to capitalism in one bound," a Southern political observer said. There was talk that Senator Robertson was considered expendable by the new Organization men. Certainly Spong, for all his "moderation," will not have much trouble working with Young Harry. He has already expressed the liberalism of the New Virginia by opposing the fair housing bill now before Congress.

Smith's departure substantially weakens the conservative congressional coalition of Southern Democrats and Republicans. Smith was a brilliant parliamentary manipulator. He stole victories (for instance, against Home Rule for Washington) like the Dodgers' Maury Wills steals bases. None of the lesser conservative figures has the canniness and the prestige to provide comparable leadership. But House liberals, though they may gain an additional member on Rules, can only raise a feeble cheer at Smith's exit. Seniority bestows the Chairmanship on William M. Colmer of Mississippi, a gentleman alongside of whom Judge Smith is almost the sweet voice of reason. Still, if Smith goes, can Colmer be far behind?

Henry Fonda's Steak

"We prepared a steak dinner for Henry Fonda and this kid ate it," begins a current magazine ad for *American Airlines*. "A travel agent put him on the airline we built for Henry Fonda." The point of the pitch is that service tailored for the professional traveller ("a Henry Fonda buys up to 50 tickets a year") is available to everybody with the price of admission, including little boys in patched Levis and dirty sneakers. However, there are some services *American* and eight other commercial airlines provide which are subsidized by all passengers but available only to the Henry Fondas – services the airlines don't advertise.

The nine carriers maintain sumptuous private "clubs" at major airports across the country for the convenience of favored customers. The clubs dispense gratuities – free drinks, phones, secretarial service and special stand-by privileges – to designated "frequent travellers," celebrities, senators, and Civil Aeronautics Board members. This month the Enforcements Bureau of the CAB informed the airlines that it considered the VIP treatment illegal and was asking the Board to investigate. The division's rationale is a clause in the Federal Aviation Act of 1958: "no carrier . . . shall . . . give any undue or unreasonable preference or advantage to any particular person . . . in air transportation."

The notification, which will require Board action to have any force, was spurred by a Rhode Island businessman's complaint (NR, Feb. 12). He said he had been bounced from *American's* "Admirals" club at Detroit's Metropolitan Airport and again at New York's John F. Kennedy International Airport because he was not a member. *Continental, Pan American, United, Braniff, TWA, National, Trans Caribbean,* and *Northwest* have similar clubs, and by the end of August they will have had to justify their exclusivity to the CAB.

American, which last year counted 11 million fares, has explained its 90,000-member "Admirals of the Flagship Fleet" as legitimate promotion not covered by the Federal Aviation Act. If the club is discriminatory, said the airline, it is not unduly, unjustly or unreasonably so. Since the clubs are located on the ground, they can hardly be covered by a law governing "air transportation." And "membership in the Club is generally available to the public." The only hitch is not everybody can get in. An *American* official said the waiting list is "probably just as long" as the roster of members. "A limitation on the number of new members in the Admirals Club," the airline stated, "is required to prevent overcrowding of the existing facilities. In this respect the Admirals Club is no different than public housing projects or state universities." Besides, "if we opened up the Admirals Club and people came in, with children

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aged one-and-a-half and two, wheeling baby carriages it would kind of lose its meaning."

The airlines do everything they can to appeal to all classes of travellers and get the edge on the competition. If you don't like *Braniff's* true fruit colored planes, perhaps you'll go for the steak prepared for, but not eaten by Mr. Fonda, or for the private art collection of *Continental Airlines* President Robert Six that decorates that company's Presidents club lounges. *American* has gone to the length of setting up youth lounges to give teenage passengers a place to frug and drink Cokes while waiting to use their half-fare tickets, and a "fair ladies club" for the "very important secretaries who make reservations for the fellows who are the frequent travellers." "By being nice to them and making them know we feel they are important, it helps our business," a spokesman said. *American* takes the ladies out for an occasional drink and to the theatre in hopes that next time the boss wants a plane reservation they'll know whom to call.

No Trespassing

Eugene McCarthy and a majority of the Senate Foreign Relations Committee had what seemed a modest request. The Central Intelligence Agency, they knew, spends many millions of dollars collecting information abroad and influencing other people's politics; and since there have been so many stories of CIA bloopers, would it not be wise to scrutinize the agency more carefully? And could this not be done by adding to the present legislative committee that oversees CIA, several senators from the Foreign Relations Committee?

Damnable idea, said the chief overseer, Senator Richard Russell of Georgia. What CIA does is secret, and Foreign Relations Committee members tend to blab. His colleagues did not demur, and on July 14 in secret session by a vote of 61 to 28, they denied Senator Fulbright's Committee a right to look over CIA's shoulder. Senator Russell's defense of the status quo was based on procedural propriety. (The resolution came directly to the floor from the Foreign Relations Committee; Russell insisted that it should have been referred to *his* Armed Services Committee.) Having won vindication, Russell may at some point graciously permit one or two members of Foreign Relations (chosen by seniority, which probably neatly excludes McCarthy) to join the watchdogs. Our hunch is that if Mr. Russell does, it will make very little difference. The CIA will tell the committee what the CIA wishes the committee to hear – an edited version of the whole truth. And the committee, awed by the omniscience of the guardians at the gates of "anti-Communism," will wag its tail, and neither bark nor bite.

Draft by Lottery?

When President Johnson appointed a special citizens' commission headed by Burke Marshall to study the draft, he acknowledged that he has more power than Congress, the Pentagon, General Hershey and his draft boards to change the course of American conscription; and that he doesn't know quite how to do it. A hopeful omen is the priority of the commission's goals. First is "fairness to all citizens"; then comes "the nation's military manpower requirements." Educators, led by Kingman Brewster, president of Yale and a critic of the draft, outvote commission members formerly associated with the Pentagon, 6-4 on the commission.

Two weeks of draft hearings by the House Armed Services Committee point to probable lines of the commission's recommendations: drafting 19- and 20-year-olds by some form of lottery, streamlining the present jerry-built structure of deferments and exemptions, and perhaps providing alternate "national service" tours of duty for young men.

The lottery was proposed to the committee by Senafor Edward M. Kennedy: "All men reaching 18 would be examined by their local draft boards," Kennedy explained. "Those found physically and mentally qualified – and only those – would be assigned a number." After a national "fishbowl" drawing, "the men whose numbers were selected first, and therefore were higher on the list, would be called first by their local boards. Let's assume that the first number chosen in the drawing was 508. Every eligible draftee in every local board who held the number 508 would know that he would be called up first in the next draft call. Every eligible draftee who held a number at the bottom of the list would know that he would be drafted only in the event of a national emergency. . . . Everyone qualified – rich or poor, college or noncollege, married or single – would have to take his chances in the lottery, in most cases at age 19, when differences in education, occupation and marital status are less than they are subse-

COMING: *Richard Barber on the new partnership between big business and big government*

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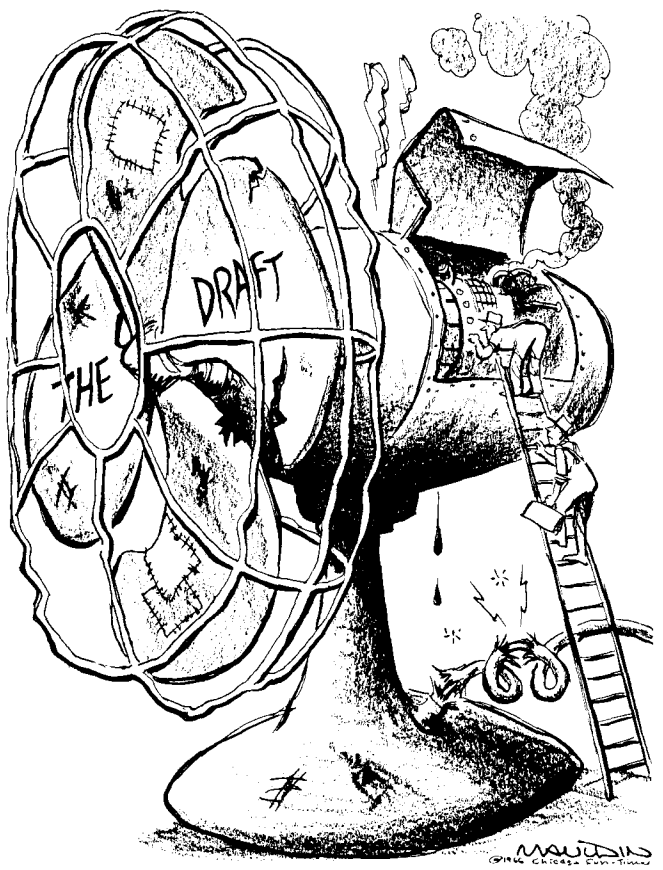
quently." Kennedy would allow students to finish college, but not graduate school. Students "would have to take their chances when they completed college with the 19-year-old age group in that year's lottery."

To make even a lottery equitable, the Army would have to revise its training and acceptability standards, which have worked more inequities than the easy deferment policies of Selective Service. General Hershey's draft boards have deferred, besides two million students, 3.5 million fathers and others with dependents, plus 250,000 men with "critical skills." But the Army's standards of mental, moral and physical fitness have rejected more than five million men for service, including highly publicized athletes with indiscernible defects. The Army's perfect-specimen standards derive from its credo that every soldier is first, last and always an infantryman. The needs of basic training become primary needs, though today's Army is four-fifths rear-echelon. Lower standards would create a larger manpower pool, with more "fairness to all citizens" in a lottery, even if the Army is inconvenienced.

Thomas D. Morris, Assistant Secretary of Defense for Manpower, agreed with drafting younger men first. "Combat commanders prefer this younger age group," he said. But Morris never let the word "lottery" cross his lips, although he conceded under questioning that it would be "a very simple and effective solution." General Hershey, who is to the Pentagon what J. Edgar Hoover is to the Justice Department, bitterly opposes a lottery, as he does nearly all revisions in his system.



Overhaul Time

Hershey has survived three decades and three wars in Washington with his philosophy and bureaucracy intact. The 72-year-old general is a past master of the military metaphysics racket, acknowledging errors and imperfections in a most beguiling, unmilitary way. If uncertainty is a charge (reduction of uncertainty is the new commission's third goal), Hershey sees virtue in the criticism: "Uncertainty is the thing that keeps me alive, keeps us active, keeps us thinking." To Rep. Robert T. Stafford (R, Vt.), who asked about installing computers, he replied, "I have a lot more faith in your people up in Vermont, even with a little granite in them, than I do in a machine." The lottery, he said, is "an illusion . . . the substitution of chance for judgment in an area where we need much more wisdom than we have." A lottery would, of course, replace the collective action of Hershey's 4,000 draft boards, which have produced 4,000 draft policies – and which last year drafted *350,000 men out of the available 15 million.*

The citizens' commission may try to find room for the "national service" notion which Secretary McNamara, in his famous speech in Montreal May 18, called "a concrete proposal." He was never so wrong, for the next day Administration spokesmen explained away the idea into total abstraction. One of the original proponents of the concept, William Josephson, former general counsel of the Peace Corps, would like a sliding scale of alternatives to the draft. Thus, four years in the Peace Corps or three years in VISTA at lower pay would equal two years in the Army at higher pay.

The new commission doesn't begin from scratch. It has before it the Defense Department's own study begun in April, 1964. When President Johnson ordered the Pentagon review amidst campaign criticism from Barry Goldwater, he specified that it include the "possibility of meeting our requirements on an entirely voluntary basis in the next decade." Completed in the spring of 1965, the study did foresee an end to the draft. But this prediction came at an unfortunate time, just as the President and the Joint Chiefs of Staff were planning the massive troop build-up for Vietnam. Any sanguine sign from the Pentagon on the end of the draft would have caused the bottom to fall out of the recruiting market. Military men admit that Selective Service serves to intimidate men into joining up. The original Pentagon study, therefore, was left in a desk drawer, then thoroughly laundered to exclude any possibility of an end to conscription. The new commission, unfettered by "strategic" considerations, now has the chance to put military manpower requirements in proper civilian perspective.

MARTIN F. NOLAN

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Withholding Money from Hospitals that Segregate

In the days before Medicare, HEW's efforts to get hospitals to comply with Title VI of the 1964 Civil Rights Act (requiring no discrimination in federally funded programs) were haphazard and confused. The man in charge was responsible for water and air pollution control too – plus international programs and patent policy! There was no clear directive to HEW personnel that they should concern themselves with civil rights. Hospitals receiving federal money were simply asked to sign a non-discrimination statement. "Compliance" was not defined. Some hospitals, particularly those receiving large sums under various federal research and construction grants, did desegregate. Civil rights groups filed over 150 complaints against other hospitals and this led to a lot of back-and-forth between HEW and those institutions, but no hard bargaining and no ultimatums. Not a single hospital was cited for a hearing on whether its funds should be cut off.

It was not until January of this year that the new Secretary of Health, Education and Welfare, John Gardner, began to put together some civil rights machinery out of the wreckage he inherited. Medicare, scheduled to go into effect on July 1, provided the opportunity. No hospital would be allowed into the program *until it had desegregated*. The burden was to be on the hospitals to get the money, not on the federal government to take it away – a crucial distinction. To underline it, HEW issued rather stiff guidelines: no discrimination in hospital admissions, distribution of services or room assignments (not only no more Negro and white wings, but no more assignment to double rooms or wards on the basis of race); Negro physicians and other medical aides not only must be allowed to work at the hospitals, they must be openly invited to work there.

A detailed questionnaire was circulated asking hospitals the number of Negroes and whites in their rooms and on their staffs, and whether all facilities were routinely used by both races.

Hospitals whose replies indicated discrimination, or against whom there had been complaints – some 2,500 – had to undergo field inspection before they could be certified eligible for Medicare. (There was no check to see if hospitals had lied in filling out the questionnaire, a federal crime; officials say that violators will be caught in routine inspection). Hospitals which resisted all pressure to comply were set down for suspension of all 50-odd programs of federal hospital aid – a much tougher sanction than simply denial of Medicare.

Some 400 Public Health Service and other HEW employees were pulled off their regular jobs, given a quickie, 24-hour course, and sent off to inspect and certify. The computers and manpower of the Social Security Administration, with offices all over the country, were also thrown into action (both the Public Health Service and Social Security administer Medicare). It was now April.

The guidelines were precise ("Courtesy titles (Mrs., Miss, Dr.) whenever used, [must be] used throughout the hospital including patient care areas and news releases announcing admissions, births, deaths, etc."), but they failed to cover everything. At one point, for example, HEW realized that it would not be enough for hospitals to accept whoever was referred or came in for care, if doctors persisted in sending Negroes and whites to separate hospitals. It then ruled that hospitals must take disciplinary action against staff doctors who did so.

Inevitably, there was some misinterpretation of the guidelines. For example, Senator James O. Eastland (D., Mississippi) talked of how poor, sick people "will be subjected to cruel and almost inhuman worry and tension" if assigned to integrated rooms. It was suggested that the government would kill people with weak hearts. (HEW permitted room reassignment for "valid medical reasons or special compelling circumstances" as long as the result was not a segregated hospital.)

By early this June, 80 percent of the hospitals had been certified as in compliance with regulations, but the remaining 20 percent left large parts of the South without any hospitals to handle Medicare patients. Under the law, patients with "emergency" cases could go to hospitals that did not meet HEW standards, and be reimbursed by Medicare; otherwise beneficiaries were out of luck. Many hospitals, sometimes with the encouragement of HEW field men, sat back and waited for the government to give in. The Social Security Administration had already yielded on the quality standards hospitals would be required to meet by giving holdouts "conditional clearances" for one year.

But on June 15 medical and hospital leaders from around the country were ushered into the East Room of the White House and were told by the President that "the federal government is not going to retreat." Vice President Humphrey passed the word along to Southern mayors. Farris Bryant, former Governor of Florida and now head of the Office of Emergency Planning, was instructed by the White House to call governors. Top HEW officials visited all congressmen with non-complying hospitals in their districts, laid the President's statement before them, and counseled them not to return to Washington after the July 4 recess having promised to bring pressure on HEW to relent.

In early July there were still some 300 hospitals not in compliance. Negro physicians from Atlanta flew to Washington to protest that a number of hospitals in their city had been cleared on the basis of

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only token integration. In the frenzy of the final days before July 1, some hospitals in Atlanta and elsewhere *were* signed up that should not have been. HEW is still working to bring recalcitrants into line and has begun the process of cutting all federal aid to some. "I'm sure," one official says, "that some hospitals will slip back, some lied to us, and there are some we missed. But we'll catch them." There is no question, however, that hundreds of hospitals which did discriminate against Negroes four months ago will no longer do so. By July 1, HEW reported that 95 percent of the hospitals were in compliance and ready for Medicare. That is more progress than has been achieved in schools since the 1954 desegregation decision.

But hospitals are easier to integrate than schools. Hospital boards aren't subject to the same political pressures as school boards, and, Senator Eastland notwithstanding, people don't get as emotional about hospital integration as they do about school integration. Nevertheless, Title VI is administratively difficult. It calls for trained, sophisticated bureaucrats to conduct sensitive negotiations and survey all federally aided institutions in thousands of cities and counties; it requires defining what is not racial discrimination, without on the other hand establishing racial quotas. There is constant tension between the need to make the weapon of Title VI credible, and the knowledge that its use may injure innocent bystanders, such as hospital patients.

And it isn't only Southern congressmen who are reluctant to see Title VI enforced. A House subcommittee sliced HEW's budget for civil rights enforcement for the next year by one-fourth, and the House went along. Now it's up to the Senate.

ELIZABETH B. DREW

China and Vietnam

by Edgar Snow

Geneva

The United States is at war with China – a proxy war now but perhaps a war of irreversible expansion.

I hope this view may be proved mistaken, but it seems that history may date the onset of a Sino-American war from President Johnson's fateful decision, soon after his inauguration in 1965, to reject a neutral Saigon (then in the offing) and to forestall it by an air invasion of North Vietnam, covering a large-scale US occupation of Vietnam's hinterland.

Hanoi and Peking regard American leaders as rational, though wrong, so they concluded that the American objective was political hegemony over Vietnam. It was logical for them then to anticipate eventual bombing of metropolitan Hanoi and Haiphong, which events in June confirmed. The June bombings in turn have probably sealed off remaining possibilities of intervention by noninvolved powers to bring about a cease-fire. There is no known way to restore broken eggs or remake history. With the crippling of North Vietnam's main industrial bases, Ho Chih Minh has little alternative other than commitment to a protracted war of resistance.

Increasingly, Ho must perforce integrate his efforts with Chinese strategy, and China itself now has no choice but to provide Ho with support bases to compensate for continuing American attrition and devastation. That means that the political and military center of resistance is shifting to China, as earlier it shifted from South Vietnam to the North.

Finding the United States to be an aggressor in Taiwan, in Vietnam, and in other "neo-colonial" positions in Asia, Peking has formally proclaimed a doctrine of moral and legal rights of "counter-aggression". No early dramatic swooping down into Southeast Asia of "hordes" of Chinese troops is likely, however. Just as there has been no single moment when the American people understood that they had gone to war against Vietnam, the war against China may be with us for months or perhaps years before direct combat occurs between the two forces. For the present China will probably concentrate on improving logistical means: the development of new feeder roads into Southeast Asia, the supply and replenishment of food and weapons, replacement and expansion of technical personnel, and volunteer manpower on demand. US sanctuaries in Thailand, Laos, Taiwan, Korea, Hongkong and perhaps Japan, may all be faced with new problems of a political or para-military character. China will do what it can to demonstrate that the American task is not simply to "seek, find, and destroy" those who resist, but how to reduce the mounting demands of an unending occupation. Not how to get more troops into Asia but how to limit the commitment. And not

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how to win military victories but how to locate a center of political decision to contain Asian history under American control. The American problem will be a great magnification of what it already is today: in brief, how to disengage.

Mao Tse-tung probably has no illusion that effective "counter-aggression" may not, in the end, result in an extension of Johnsonian punishment to China itself. China's participation in the war will therefore continue to be cautious, with maximum effort withheld until or unless Chinese territory comes under direct American attack.

Above all, Ho and Mao probably count on Practical Politics (much as Russia relied on Old Man Winter against Hitler) as their best ally in the long pull. The unpopular war is costing, according to Secretary MacNamara's understatement, a billion dollars a month, or about $400 a second, yet 90 percent of South Vietnam is still unoccupied by the Americans. The North's human reserves have scarcely been tapped; behind them lies a sea of Chinese manpower.

Britain cannot – not even to save the pound – go along much longer, Wilson having been obliged to remove the "Anglo" sign before new American escalations. A swollen US war budget, accompanied by inflation, a steady gold drain, and widespread public fear of a dollar-pound devaluation, are paralleled by political second thoughts in the homes of unwilling draftees and a nervous down-trend in Wall Street. Even if the war can be confined to Vietnam during the next two or three years, ever rising costs necessary to begin to stabilize the occupation and keep the satellite generals in nominal power in Saigon will total somewhere between 50 and 100 billion dollars – quite enough money to bring to a standstill what remains of the Great Society operation, just at the time Mr. Johnson must once more appeal to the national electorate.

True, some wry satisfaction may be derived from the ruins of North Vietnam's industrial beginnings. But inherently well-intentioned Americans must feel uneasy at the thought that these "successful strikes" are achieved in a gamble that at any moment could provoke cataclysmic reprisals on American aircraft carriers by Soviet bombers, that only the absence of pressure on a button in Moscow prevents that retaliation, and that, if it came, no law exists to condemn such action which has not by now been repeatedly violated by the United States.

Cruel as the punishment has become for all Vietnamese, bleak as the outlook is for any early surcease of pain, illusory or distorted as their analyses of Mr. Johnson's internal difficulties may prove to be, they would seem to have no more to lose now by waiting for time either to reveal an eventual American repudiation of the whole disastrous adventure by voting in a change of Administration, or for the harassed President to fulfill his threat to carry on a protracted war for years rather than withdraw.

And yet, China would have had it otherwise. As late as January, 1965, both Ho Chih Minh and Mao Tse-tung probably still believed that a protracted war with the United States could be avoided. In that month Mao himself told me that he recognized the possibility of convening an international conference to enforce terms of the Geneva Treaty of 1954 without the prior withdrawal of American personnel then in South Vietnam. A neutral independent Saigon government would then have been acceptable to Peking. Mao's expectations were upset when the United States transformed Vietnam's civil war into international war. Since then the Chinese Communist leadership has engaged in a deep and bitter debate.

In December, 1964, Premier Chou En-lai had promised the National Congress that China's draft Third Five Year Plan would be submitted for public examination early in 1965. That plan was already being discussed among higher party echelons before and after China tested her first nuclear device, and it was known that no great increase in the defense sector was indicated. After February, however, press references to the Third Plan ceased to appear.

Apart from revamping the economy to devote a major sector to defense industry, great questions faced Peking's leadership. What should be the character of China's military strategy against the United States? If war was unavoidable, would it not be prudent to mend fences with Russia? China's own defenses were not adequate to protect her urban industrial bases against heavy American air attack. What would be Russia's price for providing an air defense umbrella? To submit to Moscow and revisionism was unthinkable; to subject to American destruction the results of nearly two decades of sacrifice to modernize China was also unthinkable. Yet both had to be thought through.

Acceptance of the Russian line would mean a compromise in Vietnam which would leave the United States firmly planted in Southeast Asia. If Vietnam were surrendered, why not Taiwan? And if Taiwan were abandoned, why not concede American dominance in general, accept a secondary role for China, and seek alms from the United States, like India? This reverse view of the dominoes, collapsing inward on China, could lead to the conclusion that capitula-

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tion to Russian pressure was synonymous with capitulation to the United States, abandonment of the revolution as well as vital national interests – and suicide for the Chinese party leadership.

Between such extremes, however, there exist various possibilities of limited Chinese compromise with the Russians in order to secure minimum guarantees of support against the United States. Marshal Lin Piao has emerged as the spokesman for the dominant view, which simply invokes all the experience of the Chinese revolutionary wars to prove Mao's old thesis, man is more important than weapons; the only kind of war China could fight and win, alone, is a protracted war dependent essentially on manpower, space, and resolute social revolutionary leadership based on unrevised Marxist-Leninism. The presence of large American armies in Asia makes Mao's kind of war possible, and the more Americans the better. China would suffer, there could be no doubt about that, but there could also be no doubt (according to Lin) about the ultimate victory.

Today one sees in China a process called "the great cultural revolution." Its aim is completely to unify theory and mass practice based on the thought of Mao-Tse-tung. Those who took up losing positions during the critical debate concerning correct policy toward the US and Russia must now submit to a remolding of their thinking. They embrace party members. How many? Not more than five percent, according to the official press, and yet already these include two members of the Politburo. The charge is "revisionism." Used against veteran Communists long indoctrinated by Mao's teachings, and with a lifetime of practice in the politics of the Chinese revolution, "revisionism" can only be regarded as a euphemism to describe an intra-party opposition defeated on a major decision, which could have involved a transfer of power.

An American victory in Vietnam for want of aid from Russia and China would not only impose a profound loss of prestige from which the whole world socialist movement might never recover, but conceivably it could lead to wars between socialist nationalisms. China could blame Moscow for a defeat in Vietnam, but that could not alter its shattering effects not only on Mao's prestige as a world revolutionary leader and doctrinaire, but also on the future of China as a major power with vital national interests at stake. That is why, even without Russia, China probably cannot permit the United States to decide the fate of East Asia by intensified bombing of Vietnam – or, for that matter, of China itself. In the latter event the war would indeed "know no frontiers," as Ch'en Yi has said, and the Chinese understand that in the end the Russian Communists themselves could not survive the destruction of China. The outcome of that brutal dilemma could be world war.

Meanwhile, what of the many peace plans advanced to prevent further "widening of the war"? The trouble with them is that those liked by President Johnson are conditioned by negotiations to be conducted while American troops occupy large areas of Vietnam, while those liked by all Vietnamese leaders in the unoccupied areas require an unconditional guarantee of United States withdrawal and respect for other terms of the Geneva Treaty of 1954 violated by the American presence. For the Vietnamese to accept Mr. Johnson's conditions would concede legality to the American occupation, while for Mr. Johnson to accept Vietnamese conditions would mean abandonment of the objectives of the intervention. That is why the war goes on and will likely expand.

Cashing in on an Inside Tip

by Mildred Adams

The Securities and Exchange Commission looks these days like an uncertain British nanny trying to push her authority further and further, but not quite sure what limit the master will support. After three decades of scolding and punishing (it came into existence in 1934) it still has not reformed its charges. Insiders go on being insiders, prospectors go on acting like prospectors. As for those soulless creatures, the corporations, their behavior keeps on getting mixed up with what their officers do under the various hats they wear.

Part of the reason for this may lie in some of the skullduggery that the SEC was created to prevent, but there is also a suspicion that another part may be due to the fact that in some areas the rules are so uncertain or so changing that men honestly do not know what they are bound by. At the moment, this lack of knowl-

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edge seems to be shared by their nursemaid. If what was brought out recently in the long case of the SEC against the Texas Gulf Sulphur Corporation means what it seems to mean, the SEC brought suit partly in the hope that US District Judge Dudley Bonsal will do what Congress has not done, namely, frame definitions of desired conduct that can be made to stick.

On the surface, the case which has been on trial for weeks and has just gone to Judge Bonsal for decision, deals with mining and financial habits that the SEC would apparently like to change. It stems from an extraordinarily rich mineral discovery that was made in Canada two-and-a-half years ago. On November 8, 1963, a young Canadian geologist, Kenneth Darke, directed a drilling team for Texas Gulf Sulphur up near Baffin's Bay, where wet bogs abound and telephones are scarce. He had drilled before where aerial electromagnetic surveys suggested, but with little luck. This time fortune smiled. In the corner of a single quarter section of land, the drill brought up a core so rich in copper, zinc, and silver that his eyes popped. Miles away from an assay office, knowing all too well how rumor runs and that "one strike doesn't make a mine," he took care first to hide his tracks and then he headed for a phone in the nearest town, Timmins. The classic warning came back from the TGS officer to whom he reported – say nothing but go on looking. More land must be bought, more drilling done. Meantime, silence.

It has never been easy to persuade a man who thinks he has found a fortune to keep entirely mum about it. Young Darke could not afford to buy stock in Texas Gulf Sulphur, but he did buy "calls." Some of Darke's friends and friends of friends bought stock or calls. One was an Assistant Secretary of Commerce named Herbert W. Klotz, whose secretary was one of Darke's friends. The handful of company men who knew what was going on began individually, and at intervals, to buy stock.

In the best tradition of mining finds, the news spread. By April 9, 1964, rumors of a fabulous discovery were buzzing around Canada. By April 11 they reached the pages of the *Herald Tribune* in New York, and by April 12 they had swelled to so feverish a point that company officers tried to damp them by a cautionary press release. Next day, however, they let a reporter from a Canadian mining paper fly up to see for himself. He saw so much that by April 15 the Ontario Minister of Mines was given the news with the understanding that he would tell the legislature that night. (He waited until morning.) Then, on April 16 at 8 a.m., the reporter's story appeared on the Toronto newsstands. At 9, the Board of Directors of Texas Gulf Sulphur heard it for the first time, and at a subsequent conference the press was told. At 10:15 a.m. they ran for telephones. By that time, the shares of TGS that cost $17.50 when Darke had made his first excited phone call were quoted at $37.50.

The SEC liked none of this. Yet to anyone brought up in a mining state it all sounds remarkably normal. The idea that men who find ore – or oil – should not be allowed to make quick money on it, is like asking water not to run downhill.

But the SEC belongs to a different world, a world of streets and pavements where gold is mined by financial plots rather than by drill points. In its complaint, all these people to whom Darke talked, and the people to whom those people talked, were insiders, and constrained to keep in mind the public, rather than the private, good. The SEC wants insiders not to have an advantage. They want all two hundred million of us to know everything about mineral finds at once, and no special chance to finders, financiers or girl friends.

Under the surface the picture is darker. The SEC claims that Texas Gulf Sulphur and the 13 individual defendants it names have violated the anti-fraud provisions of Section 10(b) of the Securities and Exchange Act of 1934, and its Rule 10b-5. They say that the company first withheld from the investing public the news that they had made a major new discovery, and then compounded that fraud by issuing a press release warning that optimistic rumors might not be true. The individuals are charged with violating their lawful obligations as insiders, and defrauding investors by buying TGS stock (or suggesting that others buy) before the public knew about the new mine. The Commission wants them to give back profits made, restore losses, and be restrained from repeating such frauds.

The charge against the corporation hinges on a familiar mining problem. When is a mine truly a mine, and not just a strike that may not pay out? Had the TGS announced its luck too early and the find dwindled, they would also be in trouble. The point is a sticky one. The SEC claims that by April 9, 1964 the company had done enough fruitful drilling to be sure it had a valuable mine. The company says that what was done in the last four days, between April 12 when the cautionary release was issued, and April 16 when the company told the world their luck, made all the difference. Had they issued an earlier release, they say, it is that which would have been a fraud.

Charges against individuals fall into two groups. The first were made against 11 officers and employees for buying stock or calls on stock (or influencing others to buy) between the first revealing drill hole in November 1963 and that April day when the good news was made official, the second group of charges was made against two directors for having bought (or told others to buy)

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after the announcement was made to the press but before, according to the SEC, it was sufficiently spread to the world.

The accused range in rank from the young geologist, Mr. Darke, and a company accountant named O'Neill, to the TGS president and executive vice president. In varying amounts and at various times during those five months these men placed orders to buy TGS stock without telling the sellers what they knew about the Timmins find.

In the process of building up the point that Darke in particular not only bought calls on stock but also influenced others to buy – and all this without telling the sellers what he knew – the SEC named nearly a dozen of his friends and friends of friends, and listed their purchases together with the prices they paid. These friends were, in stock exchange slang, the ones tipped off – tippees, sub-tippees, sub-sub-tippees. Named in the complaint, they were not officially charged with wrongdoing as insiders, but the implication was so strong that the government official among them felt impelled to resign his job.

It has been said from the SEC's first complaint that one of its purposes in this case was to broaden the accepted definition of an insider, and to extend his obligations. Were all these tippees meant, therefore, to be considered insiders, and due to observe the legal responsibilities of insiders or be charged with malfeasance?

A "Reasonable" Amount of Time

On the other hand, there is no question that the officers and employees of the company named in the complaint are insiders. So are the two directors, Thomas S. Lamont and Francis G. Coates, both of whom made purchases after the Board of Directors' meeting and the subsequent press conference on April 16. Both these men assumed that when at 10:15 the press was given the news they were free to act, but the SEC does not agree. Mr. Lamont was charged on two counts, first that he phoned the news to an officer of his bank, the Morgan Guaranty, before it appeared on the Dow Jones broad tape, and second, that he bought stock for his family's account an hour-and-a-half after the news had appeared on that tape. (In this instance, the usually quick tape was 27 minutes later than another financial service, and more than two hours later than the Canadian mining journal.)

To an outsider, the two charges seem to cancel each other. The first implies that the Dow Jones tape is the official bearer of financial news to the investing world, and that not until it has carried an item is the field open for insider buying and selling. The second cancels the suggestion that when-ship lies with the Dow Jones ribbon. If an insider cannot legally buy an hour-and-a-half after that dispenser of news has spread it to the financial community, when can he buy? Four hours later? Twenty-four hours? Two weeks? Or not ever? The SEC rests on the assertion that "Even after corporate information has been published in the news media, insiders are still under a duty to refrain from securities transactions until there has elapsed a reasonable amount of time in which the securities industry, and shareholders and the investing public can evaluate the development and make informed investment decisions."

On the last day of the TGS trial Judge Bonsal tried to find out what the SEC's idea of "reasonable" might be. He got little help. "It would be an almost impossible task" observed the SEC's counsel, "to formulate a rigid rule on this." But how, then, can insiders know when they are free to act? What is a "reasonable time"? Again Mr. Kennamer ducked. This "varies from case to case. In this case, something extraordinary happened, and it would take longer for the public to absorb it." Market activity on April 16 hardly bore him out.

These questions reach far. Not only is the SEC asking recision of stock and restitution of losses, but individual stockholder suits are also burgeoning. Those who sold when the cautionary release of April 12 was issued are demanding that their stock and any profits made with it be returned. Those who sold before any news became public are also suing.

But is the stock market the kind of place suggested by these demands, and by the SEC's charge that TGS men who bought during the critical interim should have told sellers what they knew? Do buyers and sellers commonly tell each other all they know? Or does the old rule of "caveat emptor" still govern in the stock exchange? Should it? Wall Street practice is not for Joe Jones to buy direct from Bill Smith, or to sell to him, but for each to deal with a broker who in turn buys from or sells to an anonymous pool called the market. Precise details of ownership and action can be traced, and in this case some were, but with considerable effort. If the anonymous market concept is to give way to individual dealing, with full statement of reasons on each side, the stock market industry will slow to a crawl.

Yet one has only to recall what the SEC has accomplished in these three decades to recognize that these curious excursions may have a purpose beyond their immediate aim. To say that some of the defendants are honorable men who had no intention of wrongdoing and should not be punished for breaking a rule that did not exist is unfortunately beside the point. The Securities and Exchange Act, like the Antitrust Act, has had to make its way by pushing past current practice into unmarked territory. In so doing it has offended many honest men, while raising bit by bit the standards of financial and industrial morality.

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Advising Congress

by James Ridgeway

Members of Congress frequently complain they don't really know what's going on, which is ironic since across the street from the Capitol at the Library of Congress they maintain a special staff called the Legislative Reference Service to give them expert advice.

The LRS is meant to keep the members informed with reports and briefings, and to help out in handling the work load by writing speeches and answering queries. In short, it is supposed to cut through the mass of junk that floods every congressional office and help the legislator come to grips with the basic issues of public policy. But some members and their staffs long ago despaired of its ever serving this function. "If I were going to want a first class paper prepared for a highly intelligent and literate audience on an important public policy problem," Congressman Brademas has said, "the Library of Congress would be the last place in the United States I would go because I have tried them out, and with rare exceptions the product has been second-rate. . . ." Brademas was testifying before the Joint Committee on the Organization of the Congress, which has been looking into ways Congress could function more effectively. Senator Monroney, the co-chairman, was more insulting. He said, "I have never had a paper from them that I would even insert in the *Congressional Record* without putting some of my own staff to getting some more basic things, and some of it is juvenile."

This is not entirely fair to the LRS since its work generally reflects the desires of the members, and particularly those conservatives who for so long have dominated Capitol Hill. Thus, while the Congress has increasingly pushed off on the Service a good deal of the day-to-day drudgery, it has been unwilling to pay for more staff to do the job properly. The result is that 228 people are asked to handle 100,000 inquiries a year, some of them involving extended and complicated analysis of pending legislation. More than a few of the requests for information are peculiar:

A research analyst had no sooner sat down to begin a long project than the phone rang. A congressman's secretary had to have the name of the US ambassador to Hawaii. In another instance, a senator's office needed all the information available on medieval medicine by 3:30 that afternoon. The senator's daughter was late with a report for school. The daughter of another member was working for an advanced degree, and the service was asked to help her out by compiling a bibliography on the Suez Canal crisis.

Constituents are taking an increasing, if bizarre, interest in the operation of Congress, and they ask all sorts of questions that are promptly sent over to the Service for answering. People have written in posing such questions as: Was it right for Africa to break away and gain independence? Could the LRS find the article a constituent had read somewhere about happy marriages in the United States? From a woman who wanted to live in Saudi Arabia: Were conditions sanitary there and what sort of diseases would one be likely to contract? Peace Corps volunteers are forever wanting to know about the places they are to be sent. But by all odds teachers are the worst. They are masters at fobbing off on the members children with strange problems. One youngster in Connecticut wrote a congressman: "I mentioned to my US history teacher that the US recently purchased a new country named Gara. I think it is somewhere in or around Africa. He said he heard of no new purchase and asked me to bring in the piece of literature that I read the article in. I couldn't find it so I thought maybe you had some information that may help." Unwilling to run the risk of upsetting a constituent, the members have treated such requests with undue kindness. The Service can get rid of a good many queries by sending out already prepared pamphlets or book lists. The staff will respond to the particularly obtuse question with a pamphlet that tells how to use the dictionary and local library. In response to the great demand for debate materials, the LRS pulls together each year papers that present the pros and cons of the national college and high school debate topics. The Congress then prints them up by the thousands and the members distribute the materials. Where debators once had to do their own research, they now can get by mail booklets with everything done for them.

The members still feel it necessary to mark important historical occasions in countries from which their constituents' forefathers fled. And the LRS people are pulled off research to crank out hundreds of these speeches which can be inserted in the *Congressional Record*, and then sent back to the district. The independence of the Ukraine is one popular event. More than 80 speeches were read into the *Record* this year in celebration of the independence of Poland, and the

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staff of the LRS tries to make each one sound a little different. The birth of Israel brings on another orgy.

When he was Assistant Secretary of State, G. Mennen Williams wanted to make diplomats from the new African countries feel welcome in the United States, and he sent around a letter asking members to help out by putting congratulatory statements in the *Record* each time an African country had a national holiday. Williams promised his office would write them up, but as it turned out a great deal of work was dumped onto the LRS. Adam Clayton Powell is usually careful to mark the important African events with an LRS speech, and he is interested in the Middle East as well. In 1963 the Kuwaitis were so delighted with a speech he made about them that they flew him to the Persian Gulf for a look around. The speech was written at the LRS.

Members use the Legislative Reference Service to help them win reelection. While the LRS avoids partisan statements, it provides an analysis of issues, ghostwrites speeches and briefs the incumbent on subjects that are important to him – all of which can add to his advantage over the challenger. At election time, the members may ask the Service to coddle more of the voters who write in. The people at LRS were delighted when Lindley Beckworth was beaten in the recent Democratic primary in Texas. They weren't interested one way or the other in his politics. But Beckworth had sent over quantities of constituent mail to be answered.

Ghostwriting School Papers

While the LRS is meant to be used judiciously by members to help them with their work, in practice, requests are usually accepted from anyone calling in from a member's office. This presents interesting opportunities for people on the make. Assistants to members have got the LRS to do research for books they were writing. In one case, the staff was asked to prepare an outline for a lazy political science professor who was a friend of a Congressman. Secretaries have called in with requests for reports, which, as it turns out, are papers for boy friends at college. Students who work as interns in Congress during the summer sometimes send over queries that will be of use to them in college.

Lester Jayson, director of the LRS, says his people catch most of the phony requests. As for constituent mail, while it is increasing, he feels these requests take relatively little time to process, and are not a major obstacle to the researcher in getting work done. But some of the staff people I talked to said the queries meant the interesting substantive work they were assigned had to be rushed and was sloppy as a result. In some quarters in the Congress the service has got itself the reputation of turning out poor, dull stuff. In 1962, for instance, Senator Neuberger asked for a rundown of the previous legislative history on smoking and health preparatory to the debates on cigarette labeling. Her office got back a list of previous bills and a brief description of what each one said. The LRS report said the Congress had held no hearings on the subject. As it turned out, the Congress had held an important set of hearings in 1957.

The Service is at its best analyzing matters of public policy when there is a mass of published information and the arguments are clearly drawn. Two of the staff members, Fred Arner and Helen Livingston were useful to members during the Medicare debates last year. They were loaned first to the House Ways and Means Committee and then to the Senate Finance Committee, where they helped prepare questions for expert witnesses, worked on drafting legislation, and in the final stages were on the floor to advise members.

In an effort to avoid partisan politics, the LRS staff is not permitted to offer opinions in their research papers, which makes the reports dull, and over the long run, very probably discourages spirited people from working there. The researchers also are expected to stick closely to published material, a rule which sometimes prevents a research analyst from giving a member the nuances of what he has discovered. The Service hasn't the money to put together the sort of investigatory research which played an important part in helping Congress make up its mind about auto and tire safety, pesticides, water and air pollution, and poverty. The Congress ought to have imaginative and expert information in such areas before the executive departments and lobbyists descend on it. As it is now, because the LRS is so ineffective, members will ask the executive departments to prepare expert testimony, and write questions for witnesses which, in effect, means that the Administration not only writes the legislation it wants, but exercises oversight as well.

There are signs that the LRS may be slowly changing. A new division of science policy research is beginning to put out the wide ranging reports on science and technology which should go some way towards helping members stand up to the executive departments. Jayson is asking the House Appropriations Committee to give him more staff, and he wants to get the constituent mail and other spot requests out of the researchers' hair. The Joint Committee on Organization has been preparing a report which would strengthen the LRS by creating a separate division to handle routine inquiries, and thus freeing researchers for more substantive work. It also would encourage the Congress to hire expert consultants when needed on a temporary basis. All this will help. But the Congress would find things considerably more lively if it staffed the Legislative Reference Service with people whose opinions the members found stimulating.

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Lawless Lawmen

by Alan Barth

For the first time in his 42-year tenure as Director of the Federal Bureau of Investigation, J. Edgar Hoover is in trouble. He is in trouble with the law because FBI agents have been charged with violating state and federal prohibitions against eavesdropping. He is in political trouble because the asserted violations of law by his subordinates may prove painfully embarrassing to the Administration, prejudicing some politically important prosecutions – the Bobby Baker case among them. He is in trouble because recent disclosures of eavesdropping by the FBI call into question the reliability of his own statements.

On May 24 of this year, the Solicitor General of the United States, Thurgood Marshall, made an astonishing admission to the Supreme Court in connection with the case of Fred B. Black, Jr., convicted two years earlier of income tax evasion:

> On April 21, 1966, attorneys of the Tax Division of the Department of Justice – which was responsible for the prosecution of the tax evasion charges against petitioner – were advised by attorneys of the Criminal Division that, in the preparation of an unrelated matter, the latter had learned that conversations between petitioner and other persons at about the time of petitioner's indictment had been overheard by government agents using a listening device installed in petitioner's hotel suite.

The "device" had been installed, Mr. Marshall went on to say, by the Federal Bureau of Investigation in connection with a different inquiry. It was in operation between February and April 1963. "During that time," the Marshall memorandum declared, "the monitoring agents overheard, among other conversations, exchanges between petitioner and the attorney who was then representing him in connection with the tax-evasion charges."

The Solicitor General then made two interesting assertions: The monitoring of Black's conversations had no effect upon his conviction or the fairness of his trial; and, "during the preparation and trial of petitioner's case, no attorney involved in its presentation (or, so far as appears, any other attorney of the Department of Justice) knew that a listening device had been installed in petitioner's suite." Mr. Marshall reported in a Supplemental Memorandum on July 13 that the "device" was "a tubular microphone which was installed through the common wall of a room adjoining the suite occupied by petitioner at the Sheraton-Carlton Hotel in Washington, D.C. The microphone extended through the six-inch common wall and one-fourth of an inch into the one-half inch moulding of petitioner's suite."

This is precisely the kind of penetration of private premises which the Supreme Court unanimously held to be an unlawful trespass and a breach of the Fourth Amendment in the *Silverman* case in 1959. Evidence obtained in this way is inadmissible in any American court. Nevertheless, as the Solicitor General acknowledged, Mr. Hoover was authorized to engage in such eavesdropping. "Under Departmental practice in effect for a period of years prior to 1963, and continuing into 1965, the Director of the Federal Bureau of Investigation was given authority to approve the installation of devices such as that in question for intelligence (and not evidentiary) purposes when required in the interest of internal security or national safety, including organized crime, kidnappings and matters wherein human life might be at stake. Acting on the basis of the aforementioned Departmental authorization, the Director approved the installation of the device involved in the instant case."

Other allegations of FBI eavesdropping have recently come to light in connection with an investigation of gambling activities in Las Vegas. On June 30, Edward G. Marshall, District Attorney of Clark County, Nevada, announced that he will prosecute FBI agents for violation of Nevada's laws which forbid any form of electronic eavesdropping.

The Las Vegas story is stuff for the movies. FBI agents stationed in that city of chance and joy came one day, in the winter of 1960-61, to the president of the local telephone company and told him that they wished to lease 25 private telephone lines in the name of the Henderson Novelty Company – a fictional enterprise – to run to the FBI office in Las

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Vegas. The lines were to run in the other direction to the Fremont Hotel, the Sands Hotel, the Dunes Hotel, the Stardust Hotel, the Desert Inn and one or two other places in Las Vegas, for the purpose of listening in on the conversations of a collection of gambling operators during 1961, 1962 and 1963. A concealed microphone, or "bug," had to be installed to make this eavesdropping feasible.

One of them was placed in the base of a telephone in the private office of Edward Levinson, president and major owner of the Fremont Hotel, a prominent Las Vegas casino. The way it was done was described in an affidavit of Marvin E. Barr, a special service supervisor for Central Telephone:

> My conversations with telephone company employes revealed that the following procedure was followed for installing the lines of the Henderson Novelty Company. . . . If the intended destination of the new leased line was the Fremont Hotel, for example, John Zacker would then induce trouble on the Fremont Hotel telephone lines down at the central office. When the Fremont Hotel called in to complain of its disrupted service, John Mallory would be sent out to make the repairs. Under the pretext of making the repairs, Mallory would install the new leased line on behalf of the Henderson Novelty Company at its intended destination within the hotel in accord with his directions from Bob Lee [an FBI agent]. After installation of the line, John Zacker would correct the trouble he had induced on the Fremont Hotel lines.

One day in 1963, however, Mr. Levinson decided to redecorate his office, and incidentally change the location of his telephone. The telephone company installer who did this job became aware of the bug hidden inside the instrument and told Levinson about it. The result was a general search and discovery among the big-time casino operators of Las Vegas and a sudden end to the operations of the Henderson Novelty Company. Levinson filed a $2 million damage suit against the FBI agents and the Central Telephone Company for conspiracy to violate his privacy.

Las Vegas was not the only scene of FBI eavesdropping in this period. A security supervisor for the Southwestern Bell Telephone Company in Kansas City testified under oath before Senator Edward V. Long's Senate subcommittee on administrative practice and procedure that the FBI leased lines to tap or bug a number of office and residence telephones in Kansas City between 1961 and 1965. Another supervisor for the company gave an account of the methods by which it was done. His task was to run the extra lines in accordance with FBI instructions, leaving it to the FBI men themselves to install the requisite listening device. Senator Long wanted to know about the destination of the cable: "Do you suspect that it went to the FBI office here in Kansas City?" The supervisor replied: "I know that it went to the FBI office, yes, sir."

Finally, the account of an FBI agent himself in a matter related to the Las Vegas gambling operations sheds some light on the way in which he and fellow-agents worked. The testimony was given in a federal court in Denver by Special Agent R. Burns Toolson, in charge of the Desert Inn case.

> Q. You were conducting – and when I say "you," Mr. Toolson, I am referring to the Federal Bureau. You were conducting an investigation as pertains to certain matters at the Desert Inn, were you not, sir?
>
> A. That is right.
>
> * * * * * *
>
> Q. Now, directing your attention to the device itself. We have had considerable testimony of the manner in which the device transmitted the sounds from the executive office to the FBI headquarters. Would you tell us what your function was in connection – in this connection and what you did in connection with the material gotten from this device during the year 1962?
>
> A. Well, I was generally responsible for it. They had various clerks who would record any conversations coming over this device. I would subsequently play these back and I would make a summary of them; either verbatim or a summary of any pertinent information.
>
> Q. In other words – Let me ask you, first. Was every sound recorded to your knowledge that took place in the executive suite during 1962?
>
> A. Not every sound. There was cleaning people in there and things of that nature that was never recorded. No.
>
> Q. That's the purpose of bugging it, wasn't it?
>
> A. Yes, that's correct.
>
> Q. Well, would you tell us what instructions if any that you gave as pertains to what the clerks and the agents sitting on the recorder devices should record?
>
> A. They were instructed to record any information of a pertinent nature that may relate to criminal intelligence activities; these people's movements; their associates. We tried to identify any unknown contacts; what people we didn't know who they were in contact with. We were interested in their business activities, to determine whether this money was being invested and how much it was being invested. We were interested in all phases of their activities. We were inter-

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ested in any mention of any division of skimmed funds in that room.

Whatever was said in the executive suite, whether it related to personal and supposedly private affairs or to thoroughly legitimate business dealings – and it should be remembered that gambling is legal in Nevada and that the men under investigation were not then charged with any crime – the snoopers sifted and filed away for possible use.

It should be noted that this eavesdropping, whether it involved a telephone interception within the meaning of the Federal Communications Act or not, violated the laws of Nevada; and some of it at least could have been accomplished only through a trespass which was in itself a violation of law and, which when done by a law enforcement agency in pursuit of evidence amounted to a plain and gross violation of the Fourth and Fifth Amendments.

Fred Black, Jr. had business relations with Edward Levinson in Las Vegas. So did Bobby Baker. Attorneys for Bobby Baker have already protested that the charges of tax evasion, theft and conspiracy for which he is under indictment were based upon information obtained through wiretapping or bugging or both. If they succeed in showing this to be the case, the entire prosecution will be tainted.

Attorney General Katzenbach summed it up in an appearance before the Long subcommittee on July 13, 1965: "As I have said repeatedly, once you put a wiretap on or use an illegal device of any kind, the possibilities of prosecution are gone. It is just like a grant of immunity . . . and I have dismissed cases or failed to bring cases within that area [he was discussing the area of national security] because some of the information did come from wiretaps. But there we feel that the intelligence and preventive aspects outweigh the desirability of prosecution in rare and exceptional instances."

But of course the Bobby Baker case has nothing to do with national security, and the country is extremely unlikely to feel that its "intelligence and preventive aspects outweigh the desirability of prosecution." The country – or critics of the Administration, at any rate – is much more likely to feel, if the prosecution of Bobby Baker should be dropped or thrown out of court, that the reason is to be found in his former close personal relations with President Johnson. And, although this is an imputation for which there is no discernible justification, it remains, nevertheless, a serious political hazard.

This is no doubt why, for the first time, there appears to be some serious conflict between Mr. Hoover and his political superiors. The FBI Director might understandably have felt some exasperation at having the Solicitor General go before the Supreme Court and absolve everybody else in the Department of Justice of responsibility for bugging Fred Black's hotel room. He could not have been pleased either by Robert Kennedy's response on June 26, in an interview on the American Broadcasting Company's television program, "Issues and Answers" to the question: "Did you authorize the FBI wiretaps of gamblers' telephones in Las Vegas in '62 and '63?" Senator Kennedy was Attorney General in '62 and '63. His answer was succinct: "No, I did not." He added that he had never authorized any wiretaps except in national security cases.

Richard Harwood, an investigative reporter for *The Washington Post*, reported in that newspaper that a Justice Department figure "knowledgeable in these affairs" had said: "Anyone who claims that Hoover had no authority for what he did in Las Vegas is just not telling the truth. And anyone who says Bill Rogers, Bobby Kennedy and Nick Katzenbach didn't know what he was doing doesn't know the facts. 'Whizzer' White knew a lot about this himself when he was working for Bobby."

When he appeared before a House Appropriations subcommittee on February 1, 1963 to justify the 1964 appropriation request of the FBI, Mr. Hoover said:

> We have throughout the entire country at the present time less than 100 telephone taps. As a matter of fact the actual number today is 95. All are in security cases. In accordance with policy of many years' standing telephone taps are utilized only in cases where the internal security of the country is involved, or where kidnapping and extortion may bring about the jeopardy of a human life. The FBI does not have authority to authorize any wiretap. Each one must be authorized in advance and in writing by the Attorney General.

Mr. Hoover has made this statement, in almost the exact words, every year at appropriation time for almost a decade. The number of wiretaps acknowledged varies slightly from year to year, but that is about all; in 1959 it was 74, in 1965 it was down to 44. Mr. Hoover is always indignant at suggestions that the FBI taps telephones profligately; he was particularly so at the 1965 hearing. "You will hear statements publicly that the FBI has thousands of telephones tapped throughout the country," he told the subcommittee. "That is absolutely untrue."

Mr. Hoover's declarations have been backed up repeatedly by a succession of Attorneys General. Testifying before the Senate Judiciary Committee on March 22, 1966, Attorney General Katzenbach said, for example: "Within the federal government, wiretapping is strictly regulated. The FBI uses wiretaps only for intelligence purposes in national security matters, and

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then only with the express approval of the Attorney General. This has been true since 1940. President Johnson has extended this rule to all agencies of the federal government."

Now, it is perfectly plain that the eavesdropping in Las Vegas and in Kansas City did not involve internal security, kidnapping or extortion. And according to Senator Kennedy, it did not have authorization from him, in advance or in writing or in any other form. How, then, can the facts be squared with Mr. Hoover's strong disclaimer?

Perhaps the FBI will assert that what was done at Las Vegas and at Kansas City was not wiretapping in the strict legal sense of the term but simply a form of bugging, entailing not an interception within the meaning of the Federal Communications Act but a mere reproduction of all voices heard within the bugged room, by telephone or otherwise. The distinction is technical and obscure. A listening device installed within a telephone or attached to a telephone line – and installed with the connivance of a telephone company – looks like a telephone tap. Calling it anything else seems disingenuous.

But the truth is that the whole record of the Department of Justice in regard to wiretapping for the past 30 years has been disingenuous in the extreme.

Section 605 of the Federal Communications Act of 1934 contains the following provision:

> No person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person; and no person not being entitled thereto shall receive or assist in receiving any interstate or foreign communication by wire or radio and use the same or any information therein contained for his own benefit or the benefit of another not entitled thereto. . . .

It is quite true, however, as Attorney General Katzenbach acknowledged, that "since 1940, every Attorney General has construed the act as not prohibiting wiretapping as such, but as prohibiting the interception and disclosure or use for personal benefit of the information so obtained. Because of the prohibition on disclosure, information obtained as a result of a wiretap cannot be used by state or federal authorities for the purpose of prosecution."

What a deceptive gloss this puts upon the law! The words plainly forbid use of intercepted information, not alone for personal benefit but for any benefit! And they preclude use by state or federal authorities, not only for the purpose of prosecution but for any purpose, including intelligence.

The Supreme Court has tried repeatedly to explain this to the Department of Justice. It could scarcely have found clearer language in which to do so than Justice Roberts' in the *Nardone* case in 1937:

> The plain words of Sec. 605 forbid anyone, unless authorized by the sender, to intercept a telephone message, and direct in equally clear language that "*no person*" shall divulge or publish the message or its substance to "*any person.*" . . .

What this says, inescapably and at the very least, is that no FBI agent who taps a telephone may disclose the substance of what he hears to any other agent, including J. Edgar Hoover himself. Nor may he make any use of what he hears for his own benefit or the benefit of anyone else. If wiretappers really make no use of the information they glean – if they really keep it secret even from their colleagues – there cannot be much point in tapping at all.

Ever since 1940, bills have been introduced to authorize wiretapping by the FBI under the supervision of the Attorney General. Congress after Congress has debated these proposals – and rejected them. Yet Justice has persisted in pretending that it already has power to do what it keeps begging Congress to permit.

Mr. Hoover – with the consistent support of Attorneys General, it must be said – has developed a most ingenious justification for disregarding the law of the land. He has in his possession, he says, a confidential memorandum from President Franklin D. Roosevelt dated May 21, 1940 which, according to Mr. Hoover, "authorized the Attorney General to approve wiretapping when necessary in situations involving the defense of the nation."

The idea that an activity specifically forbidden by an Act of Congress can nevertheless be authorized by a confidential memorandum from a President – and from a President dead these 20 years and more – is an idea repugnant to the concept of a government of laws. There is not a syllable in the Federal Communications Act which makes an exception for kidnapping or extortion or internal security. There is not a clause in the Constitution that allows an Attorney General to authorize a violation of law by his subordinates, even with the support of a living President.

It was in that great dissenting opinion which he wrote nearly 40 years ago in the first wiretapping case to come to the Supreme Court that Mr. Justice Brandeis warned against lawless law enforcement:

> If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to be a law unto himself; it invites anarchy. To declare that in the administration of the criminal law, the end justifies the means – to declare that the Government may commit crimes in order to secure the conviction of a private criminal – would bring terrible retribution.

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Why We Fail as Revolutionaries

by I. F. Stone

Some things cannot be learned. A man cannot learn *not* to breathe. There are limits on the adaptation of societies, as of organisms. An established order cannot run a social revolution. Nicholas I was so impressed with the Decembrists who tried to overthrow him that he ordered a summary of their criticisms to be drawn up for the guidance of his government, though only after

Men Without Guns
by George K. Tanham
(Praeger; $4.95)

they had been exiled or executed. "It is necessary," this document said, "to improve the condition of the farmers, to end the humiliating sale of human beings." Nothing came of these proposed reforms. Instead the regime established, in the dreaded Third Section, a new type of political police. This is the inescapable pattern of counter-revolution when it tries – in the currently fashionable phrase – to win the hearts of the people. The regime may be aware of the need for social reform, but is unable by nature to bring it about. The failure of the Decembrists was the high water mark of the Holy Alliance, which sought to police Europe against the dangers of Liberalism, as the US since the Truman Doctrine has sought to police the world against the dangers of Communism. Without overstressing historical parallels, it is instructive to go back and notice that the Holy Alliance, in intent, was not as bleakly reactionary as it was in practice. It, too, sought to combine progress with repression, as we do in Vietnam. Metternich's famous secret memorandum to Alexander I envisaged a stability which "will in no wise exclude the development of what is good, for stability is not immobility." A new pamphlet from Mr. McNamara's Defense Department, arguing the case for military assistance, uses almost identical phrases. It quotes with approval a study of the military in underdeveloped countries which says "The military . . . may be able to play a key role in promoting mobility while maintaining stability." The military dictators we supply nevertheless do turn out to be immobile, as did the Holy Alliance before them, though it too was not without social insight. The reactionary Catholic theologian Baader who helped frame the Holy Alliance "maintained," long before McNamara's computers came up with the same revelation at Montreal, "that revolutionary sentiments are due . . . to the poverty of the masses." These are distant branches of the same family tree which gave us the Honolulu Declaration.

This perspective is necessary if we are to understand why we have failed in 12 years to bring about the social revolution so often promised in Vietnam. Four Americans who took part in this effort record their experiences in a new book, *War Without Guns: American Civilians in Rural Vietnam*. The editor, George K. Tanham, went to Vietnam in 1964 as Director of Provincial Operations for AID and is at present deputy to the Vice-President of the RAND Corporation. He was writing the book's concluding chapter when the Honolulu Declaration was made public. "It should be noted," he comments somberly, "that similar high-sounding declarations in the past have accomplished little. However," he concludes, with an obvious effort to sound a bit hopeful, "with the full backing of the Saigon government and with such high level American support, this new rural-development effort may succeed." Considering Mr. Tanham's experience and position, that is not a very hearty testimonial, though events since Honolulu already make it look too optimistic.

Mr. Tanham's three collaborators have each provided a close-up from firsthand experience of the AID program in three different types of provinces. Robert Warne covers Vinh Binh in the Mekong Delta. Earl Young tells of his work in Phu Boh, in the Central Highlands. William Nighswonger describes his work in the coastal province where the US air base at Da Nang is located. Like so many Americans who have worked at the grass roots in Vietnam, their reports have an honesty and sobriety very different from the glossy version of events which figures in Saigon's pamphlets and Washington's speeches. But at a certain point even these men stop short, as if at a wall they dare not climb.

How often can intelligent and well-meaning Americans see glamorous "revolutionary" programs collapse into the same old repression without noticing there is something fundamentally wrong? In his preface, Mr. Tanham makes the familiar point that while the Viet Cong have exploited rural dissatisfaction, "the governments of South Vietnam from Diem to the present have not met this challenge . . . and shown the way toward real economic and social progress. In spite of frequent high-sounding government declarations, there has been no real revolutionary effort." Why should this be surprising? Mr. Tanham has long been one of the government's experts in studying Communist revolutionary warfare. These experts pore through Communist literature but seem to miss the elementary and essential points, perhaps because to speak plainly in terms of class interests is regarded today as slightly subversive if not politically pornographic. How can you expect revolutionary changes from a government based on the possessing classes? We have been supporting a series of dictatorial regimes based on absentee landlords, military men and urban business types who can no more think in revolutionary terms than a horse can fly.

In a chapter on Challenge and Response, Mr. Tanham demonstrates his own lack of adequate response to this challenge. The lack is characteristic of the US counter-insurgency establish-

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ment. He writes of the Viet Cong, "Land is taken from the landowners, many of whom are in Saigon or other large cities, and redistributed to the peasants." Naturally the peasants like this. Why don't we do the same? Because the government we support is based on the landlords. Mr. Tanham does not ask the question nor provide the answer. Both are obvious, but this is the kind of obvious that counter-revolutionary movements are incapable by their nature of recognizing. A related example is provided by Mr. Warne's account of Vinh Binh province. He relates that "land ownership in Vinh Binh is confused since most of the land records were destroyed by the Vietminh. It is estimated that 60 percent of the farmers do not have title to the land they farm. Only about a third of these now pay rent, because in the insecure areas the landowners are unable to collect rents." This is revealing, but Mr. Warne seems to miss its significance. If 60 percent of the farmers do not have title to the land, 60 percent of the farmers stand to lose the land they till if Saigon reestablishes control. If two-thirds of these farmers now pay no rent because these areas are "insecure," then the return of security means the return of the rent collector. From the peasant point of view the "pacification" drive thus looks like an attempt by the landlords to regain control of the land. It would be quite a feat to take a peasant's land and win his heart at the same time.

The most revealing thing about this book is that it says so little about land reform. Mr. Warne, who worked in the Mekong Delta, where this is a crucial problem, gives us only a passing glimpse of the land ownership situation. "Through the government's Land Reform Service," Mr. Warne writes, "some tenant farmers are making installment payments to purchase land confiscated from the French and from large Vietnamese landowners. However, the majority of these installment contracts are in arrears at present." The land reform forced many peasants to pay for land they had seized when the landlords fled during the French war. Wherever the area is "insecure," peasants take advantage of the fact to forget about the installments due.

"In 1958, as a land reform measure," Mr. Warne writes, "the government disallowed holdings in excess of 240 acres, but this regulation has not been well enforced." As a matter of fact, as I learned in talking with US farm experts in Saigon only a few weeks ago, these maximums have been easily and widely evaded though they are fantastically high when compared with the land reforms in Japan (10 acres rice-land, family maximum) or Formosa (7 acres). Though an American farm adviser as early as 1955 began pressing for agrarian reform to "save the day in the coming battle for Vietnam," the reform when Diem finally enacted it was limited, belated and tricky. In a peasant country like Vietnam, this was politically fatal. Yet the whole subject only gets a few passing remarks in *War Without Guns*.

The record shows more pressure for land reform in Vietnam during the Eisenhower Administration than since; as our military intervention has grown, our capacity for political maneuver has shrunk. In the Johnson years the subject has been soft-pedalled, though it still appears in our political litany about Vietnam and Latin America. There are several reasons for this. One is that in Vietnam, as in Brazil, it alienates the local upper classes with which we are allied. Another arises from the contrast between our preaching and our practice. Where US lands have been seized for agrarian reform, we have either overthrown the government and forced return of the land, as in Guatemala, or tried by every means, fair or foul, to bring down the offending regime, as in Cuba. A third reason, apparent in congressional appropriation hearings, is the instinctive hostility of Southern senators and congressmen, often themselves *latifundistas*, to talk of breaking up big estates for the sake of the landless. Eastland, who so admired Trujillo, may fear this lest it give *nigras* bad ideas in his own delta. The main reason we drop the subject so easily is that our real concern in Vietnam, as in Latin America, is not with the people but with our anxiety to demonstrate that we can contain Communism. This inevitably degenerates into a military operation. The military may indeed carry on some "civic action."

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This is no new departure. Our Marines in Nicaragua and the Dominican Republic built wells and improved sanitation during the occupation of the 1920's. Then we handed these countries over to dictators we had trained. Our concern was to make them safe for the United Fruit Company. Somoza and Trujillo were our products in the twenties and thirties like Diem and Ky in the fifties and sixties. Though everybody from LBJ down constantly talks of social revolution, the record shows our real concern is with putting it down, not bringing it about. We like to talk about revolution, but we rush in helicopters and napalm when it threatens to break out. This is the real face of the *Pax Americana* we are trying to impose.

Japanese Modern

by John Wain

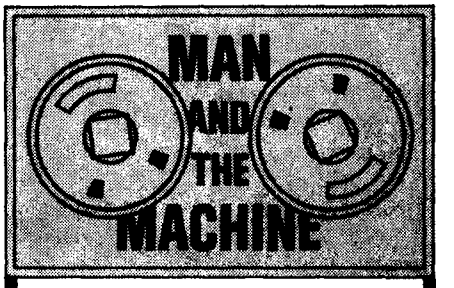
Settling down to read Yukio Mishima, I realize with a dull surprise that I have no expectations, that I know nothing about Japan, never having been there or spent any time with Japanese, and having picked up my notion of the Japanese mind through an entirely sporadic and casual contact with Japanese painting, film, *The Tale of Genji*, and the inevitable horror-stories of prison-camps and the atomic bomb. What is the mental landscape of the average Japanese, or, for that matter, of the Japanese élite? Is the educated Japanese mind "oriental" or "westernized"? My guess would be that, as in the case of India, no one really knows, least of all the people themselves. This kind of thing is impossible to sort out even among people who live jammed close together. What, for instance, is a Celt? What can we expect his psychology to be like? Constantine Fitzgibbon in his big biography of Dylan Thomas begins right away by saying that Thomas had "atavistic" Welsh qualities; just how does "atavism" work and what does it consist of? A modern big-city Japanese, who has lived a life that is outwardly 99 percent Western ever since he can remember, is 99 percent Western in his psychology. Or is he? And in any case, what is it like to be Western?

Death in Midsummer
by Yukio Mishima
Translated by Donald Keene, Ivan Morris, Geoffrey Sargent and Edward Seidensticker
(New Directions; $5.50)

None of us can get these complex matters into satisfactory focus; the experts can't agree among themselves, and the rest of us simply haven't enough knowledge to get started. But, paradoxically, we have to make the effort. We can't help ourselves. In reading a Japanese book or watching a Japanese film, the questions form themselves automatically, without volition. Who are these people? How do they see the world? What do they remember of their highly idiosyncratic past? Do they want to be like us? (But why on earth should anyone want *that*?) Do they admire Western civilization, adopt Western values, or do they merely put up with the overwhelming presence of the West, chiefly in the person of Uncle Sam, and use their adaptability to make the best bargain with it that they can?

If these questions can ever be answered, or if the first hints of an answer could be discovered anywhere, it would be in the work of a first-rate imaginative writer. For, as George Orwell memorably pointed out, an imaginative writer cannot falsify his emotional landscape; he cannot pretend to admire what he doesn't admire, to hate what he doesn't hate; if he does his motor will stall immediately. As soon as the note of conviction goes out of his voice, the resulting deadness is apparent to the simplest reader.

Yukio Mishima is not only a very prolific and successful writer; he is also, by what seems to be common consent, the Japanese writer who exports most readily to the West. He has made numerous visits to America and at least one to England. His books are translated and issued by major publishers, and greeted with enthusiasm by important critics. The sensibility of mod-



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ern Japan? If we set out to investigate Mishima in *that* spirit, we are certain to fall into half-baked theories, a foreigner's distorted generalizations. But how else can we approach it? Of all the arts, literature is most rooted in event, in society, in relationships. It does not blow over the face of the earth like the wind; it pushes up through the weather like a tree.

Thus, in the present collection of stories, *Death in Midsummer*, we find several which seem to be attempts on the part of a modern Japanese to comprehend the rigid traditional society that has crumbled away in his lifetime. The story "Patriotism," for instance, is an unflinching effort to imagine what lies behind the bald announcement that a young officer and his bride of six months' standing, on a certain day and in a certain room of their modern city apartment, committed ceremonial suicide. There is no "plot"; or, rather, what holds one's attention is not the narrative; since the story begins by saying that the couple killed themselves, we do not read on in a state of suspense to find out what they will do. Mr. Mishima is here, as in several of his other stories, attempting the classic task of fiction: to establish and assess the reality that lies behind some concrete, take-it-or-leave-it happening. These young people killed themselves. For what reason? What was the view of life that imposed death on them as the only honorable way to face a certain situation? What was the upbringing that rooted them within this tradition? These questions, which may be no easier for a modern Japanese to answer than they are for us, are investigated patiently and convincingly. And the gory business of disemboweling oneself is described – as in this kind of story it must be, for there can be no drawing of veils – with a surgical directness that taxes the reader's endurance as it must have taxed the writer's.

Again, in "The Seven Bridges," a traditional belief is explored in modern terms; but this time the exploration is combined with a "story" in the conventional sense, so that we read along to see what happens, and are not disappointed. This, to me, is the best piece in the book, and since I don't see how to discuss it without giving away the plot, I will say no more.

The amount of Japanese local color, as it were, varies from story to story and is not an important distinguishing feature. Yukio Mishima's identity as a writer, it seems to me, lies elsewhere. The mark of his work is an intense curiosity about the human spirit, and in particular about those moments of sudden illumination that come to us when, with our emotional responsiveness keyed up by an unfamiliar situation or an unusual stress, we have an abrupt vision of the world, and of our own situation, from some unexpected angle that makes everything look different. Mishima's stories very often pivot on these moments. The central character has a flash of intuition in which he or she understands some central truth: or, perhaps, is blinded by some central illusion. It hardly matters. These moments change people's characters. They are the inner sources of our energies, often unguessable by outside onlookers.

To illustrate this I must briefly glance aside from the present book and recall Mishima's recently published short novel, *The Sailor Who Fell From Grace With the Sea* (published by Knopf in America, Secker and Warburg in England). This tells the story of a Yokohama widow with a thirteen-year-old son and a sailor who is her lover. The woman, young and fashionable, keeps a smart boutique; the man, dumb and mystical like a Lawrence hero, comes into her life from the harsh mystery of his own. But the boy, Noboru, is the central character. One night, early on in their relationship, he observes their coupling through a knothole in his bedroom wall: at the crucial moment a ship's siren goes off, and the sound comes to him as (the Yeatsian lines suggest themselves so aptly that there's nothing for it but to quote them):

> A long blast on the horn that brought
> Nearer to man's thought
> A measureless consummation that
> he dreamed.

In the boy's excited, lonely mind, already highly responsive to the miracle of his mother's femininity, the hard, alien flesh of the sailor, eloquent of unknown adventures and discoveries, brings the possibility of a completeness in which he can include himself, and the sudden blowing of the horn provides the moment of drama on which this new world can pivot and begin to revolve:

> It was like being part of a miracle: in that instant everything packed away inside Noboru's breast since the first day of his life was released and consummated. Until the horn sounded, it was only a tentative

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sketch. The finest materials had been prepared and all was in readiness, verging on the unearthly moment. But one element was lacking: the power needed to transfigure these motley shreds of reality into a gorgeous palace. Then, at a signal from the horn, the parts merged into a perfect whole.

Assembled there were the moon and a feverish wind, the excited, naked flesh of a man and a woman, sweat, perfume, the scars of a life at sea, the dim memory of ports around the world, a cramped breathless peephole, a young boy's iron heart – but these cards from a gypsy pack were scattered, prophesying nothing. The universal order had at last been achieved, thanks to the sudden, screaming horn, had revealed an ineluctable circle of life – the cards had paired: Noboru and mother – mother and man – man and sea – sea and Noboru. . . .

The sailor is thus mythologized, made into an important symbolic figure who dominates the boy's inner life. And the action of the book is the simple, inexorable story of how he declines from this position to a point at which he is seen as an unforgivable betrayer. He becomes more deeply involved with the widow, leaves the sea, helps her to manage the boutique, arranges for them to get married. The widow begins to refer to him, in conversation with Noboru, as "Father." And all the time the boy's heart is slowly turning into a stone. Finally, with the aid of the gang of fellow-adolescents with whom he has shared his secret inner world, he lures the sailor down to the docks and murders him. The book ends thus:

"Here's your tea," Noboru offered from behind him, thrusting a dark-brown plastic cup near Ryuji's cheek. Absently, Ryuji took it. He noticed Noboru's hand trembling slightly, probably from the cold.

Still immersed in his dream, he drank down the tepid tea. It tasted bitter. Glory, as anyone knows, is bitter stuff.

The entire story, we might say, is a fable whose function is to enflesh and dramatize that last sentence. *The Sailor*

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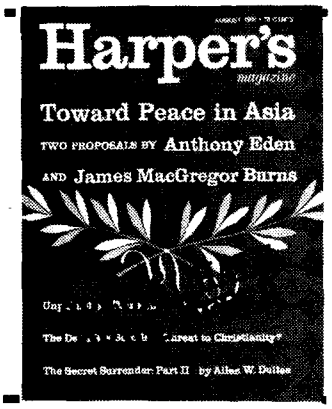

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Who Fell From Grace With the Sea takes its place, therefore, with that large and important category of modern works of the imagination, from *The Waste Land* to *Henderson the Rain King*, which explore an area of truth that is psychological and also anthropological. The king must die: it is not merely dangerous to find oneself apotheosized and turned into a sacred symbol: it is inevitably fatal, for all religions devour their gods.

Needless to say, there is a political overtone to this message. Yukio Mishima happens to be the same age as myself, and I therefore have a clear enough idea of the historical range of his personal involvement: the amount of contemporary history which he is likely to feel instinctively as his own business, part of his life as an individual. And naturally the Japanese expansionist militarism of the thirties and forties will fall well within this range. Glory is bitter stuff when it leads to Hiroshima and Nagasaki. Bitter for those who embody it and bitter for those who must devour it. The group of tense, frightened boys, handing the hard-bitten man his cup of poisoned tea, forms a symbol that reverberates in a good many directions. As regards Yukio Mishima's qualities as a writer, the main point that emerges is that he makes the whole story pivot on a moment of inspiration: we might even say of enthusiasm in its original sense of being possessed by a god. Whether the god is evil or good seems hardly relevant. This, he seems to be telling us, is what drives human life.

In *Death in Midsummer*, the title story ends with a sudden psychological jump on the part of a woman who has been struggling, all through the story, with an impossible burden of guilt. The short play "Dojoji" culminates when a girl, who has hidden herself inside a (heavily symbolic) wardrobe in order to disfigure her face – a kind of ritual suicide in which she intends to kill her prettiness – suddenly realizes a truth about the relationship of experience to Nature, and comes out unscathed. In "The Priest of Shiga Temple and His Love," the ascetic old priest catches sight of a beautiful courtesan and falls in love with her:

> He could only think that, in order to bring about that wonderous moment, something which had for a long time lurked deceptively within him had finally revealed itself. That thing was nothing other than the present world, which until then had been at repose, but which had now suddenly lifted itself out of the darkness and begun to stir.

"Suddenly," we note, the experience had "lifted itself out of the darkness." And everything was changed, as completely as when the boy heard the ship's siren.

Are we ready with our foreigner's generalizations? Shall we say that when a nation, long held in the plaster of Paris of a rigid code which regulated every detail of life from ethics to etiquette, suddenly finds itself wandering in the featureless desert of the 20th Century, its finer spirits can only turn inward? That the intense moment of illumination – even with false light – that comes from within, is all that is left to them to set against the triviality and emptiness of the world they now share with us?

Mr. Mishima has been compared by Western critics, with a startling range of European writers. Christopher Isherwood names Gide. Samuel E. Martin hesitates over Gide but plumps for Proust. Angus Wilson says that Mishima's characterization has "Balzacian dimension and Flaubertian truth." *The Times Literary Supplement* speaks of his "almost Brechtian detachment." It seems that you get a lot for your money – Gide, Proust, Balzac, Flaubert and Brecht all in one. Under these circumstances I feel justified in adding one more. Yukio Mishima's intense descriptions of moments of inner revelation seem to me Wordsworthian. Wordsworth's poetry was written at a time when the rigid European society of the 18th Century – legalistic, Christian, hierarchical, incurious – had suddenly fallen into dust and that dust was being blown about by the wind of free speculation. The individual crisis took on a new scale. A man's own interior drama mattered more than the fate of a society, because the one included the other. Mishima? A minor Japanese Wordsworth? Take your pick: it's as good as a guess as Balzac or Brecht anyway.

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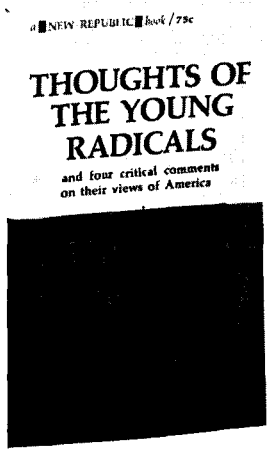

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Still Unsafe at Any Speed

by Joseph A. Page

A soup industry executive recently made headlines by dismissing the current concern over unsafe automobile design as "of the same order as the hula hoop – a fad." The uproar about unsafe design is the creation of a *bête noire* named Ralph Nader, whose criticism, according to Henry Ford II, contains little of merit since it comes from one who isn't an automotive engineer.

Eighth Stapp Car Crash and Field Demonstration Conference
Edited by Lawrence M. Patrick
(Wayne State University; $9.95)

Proceedings of the Ninth Stapp Car Crash Conference
edited by Merrill K. Cragun
(University of Minnesota; $8.50)

Trauma and the Automobile
edited by William J. Curran and Neil L. Chayet
(W. H. Anderson; $14.50)

The auto design controversy is neither new nor the invention of muckrakers. For years engineers and doctors have gathered empirical evidence to support the position that feasible design changes could reduce highway injuries.

Three recent publications demonstrate the vitality of contemporary scientific research into automobile accidents. The *Eighth* and *Ninth Stapp Car Crash Conference Proceedings* deal almost exclusively with the "second collision" between occupant and the interior of the vehicle. Research papers describe experiments or present data derived from actual highway accidents. *Trauma and the Automobile*, a collection of articles assembled by the Boston University Law-Medicine Institute, takes a more ambitious but less comprehensive look at the vehicle, the driver, medical problems arising from collision injuries, and the lawsuits spawned by auto accidents.

The Stapp Conferences honor Air Force Colonel John Paul Stapp, a pioneer in the study of human deceleration and impact tolerance. Beginning in 1955, these meetings have brought together individuals from the engineering and medical professions, government, the auto industry and the academic community, all sharing an interest in automotive safety design.

The *Proceedings* do not lend themselves to casual, bedtime reading. Many of the papers are highly technical. Some shock with their photographs of facial injuries caused by impact with a windshield, or of cadavers with skulls smashed by hammer-like devices simulating the protrusions which grace the compartments of many automobiles.

The most intriguing of the papers illustrate the continuing lag between technology and present-day auto styling. Both volumes contain articles by Martin Company researchers describing an airbag restraint system being developed for air and space travel. Airbags in front of the chest and feet and an airseat inflate upon impact to protect the occupant against collision with the interior of the vehicle. The authors argue that the airbag restraint system, conceived in 1952 and still in the experimental stage, could greatly reduce auto injuries. A patent for an airbag system for automobiles was filed in 1958, yet the US auto manufacturers have apparently taken no interest in this promising device.

The American auto manufacturers now hail the lap belt as a great leap forward in safety, after tooth-and-nail resistance to the installation of belt anchors. The *Proceedings* include a number of papers underscoring the clear superiority of the combination shoulder-harness-lap-belt, and describing the many serious injuries which the lap belt alone fails to prevent. Reports from Sweden, where the shoulder-harness-lap-belt has gained widespread popular acceptance fortify this conclusion. An article on the development in Sweden of a portable rear-facing protective seat for children provides additional proof that the Swedish auto industry has outdistanced its American counterpart in devising effective passenger restraints.

Several other papers merit brief mention. A comparative study of roll-over

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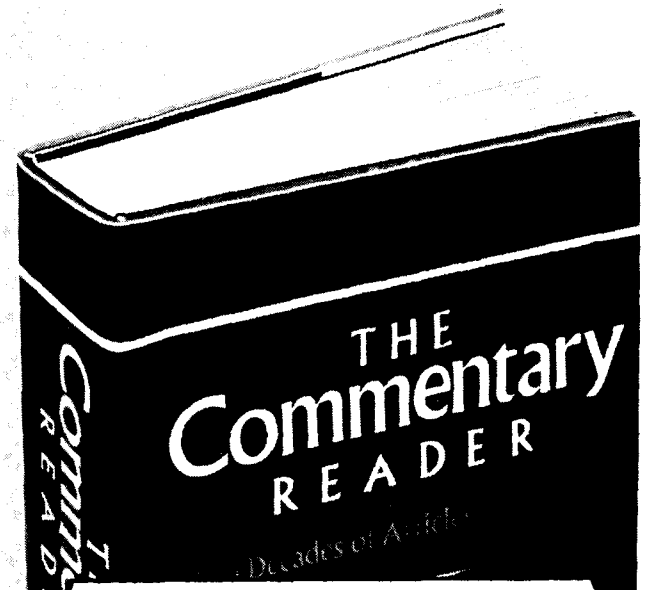

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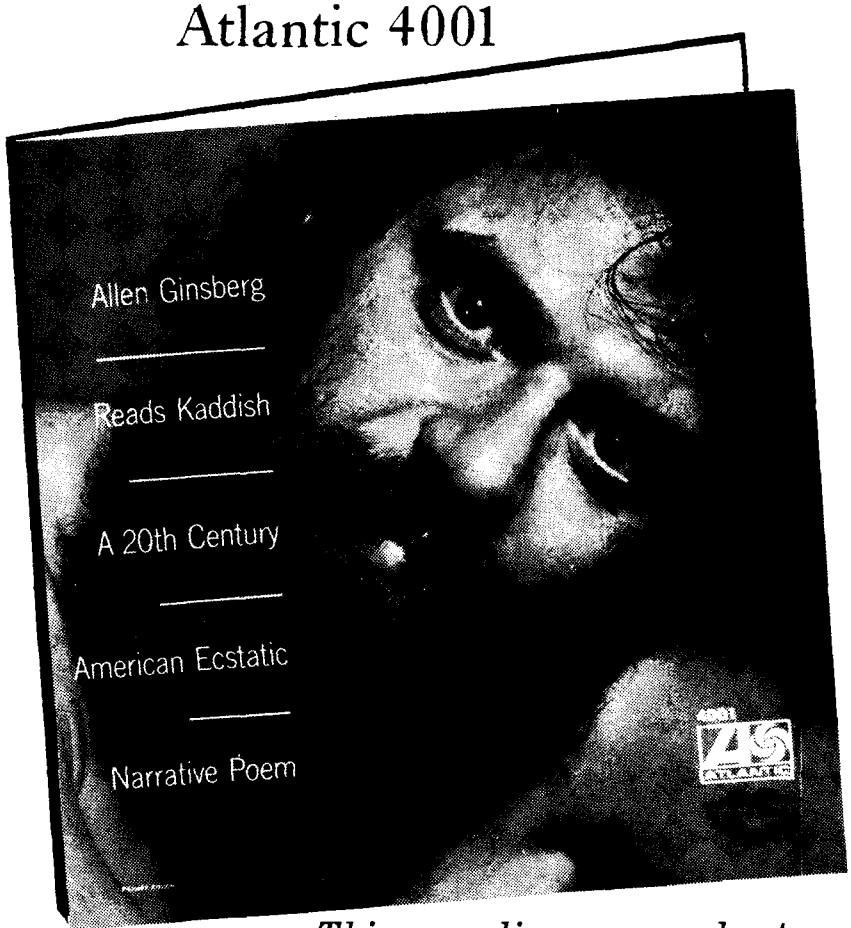

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accidents in auto racing and normal highway driving emphasizes the value of the roll bar, which prevents the top of the passenger compartment from caving in and is a mandatory safety feature in racing cars. An analysis of pedestrian injuries in Adelaide, Australia, reveals that the frontal shape of a vehicle has a significant effect upon the extent of injuries inflicted when an adult is thrown into the air and against the striking vehicle. Finally, the description of a series of experimental head-on collisions establishes the lethal character of steering columns which ram into the driver upon forward impact. The paper wryly notes the identification of this peril in the early 1950's. Collapsible steering columns will make their debut in many American cars this fall.

Failure to reproduce the debates which followed many of the papers read at the Stapp Conferences blunts the thrusts of the *Proceedings*. The brisk exchange of views which inevitably enlivens scholarly discussion of controversial questions deserves transcription and publication. Industry representatives and academicians working on industry grants presented a number of papers which tended to take a sanguine attitude toward existing auto design. Researchers independent of the industry often leveled unrestrained criticism at the American automobile. Probing and spontaneous cross-examination of these positions provides an effective test of their soundness. The publication of such comments would have considerably enhanced the value of the *Proceedings*.

Trauma and the Automobile presents an eclectic survey of the various causes of highway accidents and injuries (with the conspicuous exception of the highway itself), and their considerable effect upon society. Of special interest are the papers dealing with the driver, which suggest that psychological factors play a greater role in contributing to accidents than is generally suspected. Such factors may even furnish a plausible explanation for reckless driving under the influence of alcohol. The final article in the section on the driver argues that scientists will not achieve an adequate understanding of the driver's role without the development of a comprehen-

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sive driving simulator, from which meaningful data can be gathered.

The pressing need for more extensive research does not conflict with the inescapable conclusion that on the basis of what is now known (and what has been known for years), it is impossible to excuse or continue to condone the causal relationship between bodily injury and automotive styling.

THEATRE

Performance from Poland

Paris

A theatrical counterrevolution is underway in People's Poland, of all places. It is sweeping Paris following the performance here of a Polish experimental actors' ensemble, Jerzy Grotowski's Laboratory Theatre of Wroclaw. The company came here for the annual international theatre season, held this year at Jean-Louis Barrault's Theatre de France. The Poles gave *The Inflexible Prince*, after Calderon, and one influential critic hailed the performance as "the major theatrical event in three years."

It is 80 minutes of self-induced hysteria, nonstop and highspeed, a happening without the improvisation, a mass without religion, a psychodrama under perfect control that leaves spectators breathless, then numb and mixed-up – "like chancing into somebody else's orgy," as one of them put it. Bertolt Brecht, with his view of the theatre as an appeal to reason, would have been appalled at this attempt at emotional rape. Don Pedro Calderon de la Barca, the author of the original *Prince*, would have been at a loss to recognize his creation. But the public loved it, was carried away, perhaps shamefaced.

The neoclassical Theatre de France had shut the main entrance, opened the stage door and turned back all but 60 spectators. (None more at a time were admitted on subsequent evenings.) The huge circular red-velvet auditorium had been cordoned off and lay empty in the dark. Spectators were led onto the stage and seated on an artless, rectangular scaffolding around what had become a pit totally bare except for a wooden block in its middle that looked like a tomb. No scenery, no curtain, no lighting effects save for the static beam of a morgue-style floodlight.

The original 17th-Century play by the prolific contemporary of Philip the Fourth is about a Portuguese prince, Fernando, who is captured by the Moors. A stoic and hero, he would rather die a slave than let his king win his freedom by returning to his captors the conquered fortress of Ceuta. It takes Bates' encyclopedia of the drama twelve full pages to summarize the confusing plot. It is full of princes and soldiers, honor and tears, wives, mistresses, love and treason, captives, captors, armies and armadas. In the Polish translation by the 19th-Century Romantic, Juliusz Slowacki, they were all still present. Grotowski does it with a cast of six.

The six actors charge onto the stage as so many bulls into an arena, five figures in black and one in white. The five – three men, two women – wear timeless black robes over heavy black boots. The one – Ryszard Cieslak in the leading role of the prince – is naked except for a white waistbelt.

Notes on Contributors

I. F. Stone, *who has been a Washington correspondent for 25 years, is the author of* The Haunted Fifties. *He is the editor and publisher of* I. F. Stone's Weekly, *and has recently returned from South Vietnam.* John Wain's *newest book, the poem* Wildtrack, *was published last spring by Viking.* Joseph A. Page *is a member of the law faculty of the University of Denver.* Andreas Freund *is a Swiss-educated newspaperman who has been a resident of France for the past 20 years and is on the staff of* The New York Times *in Paris.* Frank Getlein's *article is the first of several which he will be sending from Europe this summer.*

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A red cloth is the single prop in the play. The action, of nearly unbearable violence, goes all the way from torture to ecstasy through beatings, prayer and madness to the agony and death of the martyred hero. It is rendered with clinical precision through bodies cramped and shaking in a trance; acrobatic ballet to the beat of the boots; machine gun-speed dialogue; and a haunting three-tone cry of utter pain from the foaming mouth of the dying prince, a cry to which two men in black dance an eerie minuetto while holding hands.

The figures in black are like a Greek chorus. Sometimes they whisper sinisterly, sometimes they break out into Gregorian chant as the naked figure reclines on the tombstone, arms outstretched in the pose of crucifixion.

Public to the exhibitionism on stage, the spectator becomes an unwitting voyeur. He is obscurely tempted to join in – to break it all up. But the voyeur is inhibited by the tense, silent presence of the other voyeurs. Meanwhile, he is spared nothing: not a drop of sweat on the frenzied faces, not a muscle's spasm – such is the promiscuity between actors and public created by the proximity of the stage, shrill lighting and Grotowski.

There is a system to Grotowski's madness and, not surprisingly, the man looks professorial and sane. He and Ludwik Flaszen, the group's theoretician, see the theatre as a "solemn act of collective exploration of the self" in which the actor's personality is all. It is the actor who must create "a living link" between stage and auditorium. One of the consequences, in Grotowski's view, is that the theatre is not a mass art, since communion between actor and spectator cannot be achieved at a distance. Another consequence is that the actor cannot rely on the word, lighting, music, decor or clever direction, because they are "means outside of him" that detract from his specific powers and function. This function is to offer the public "his controlled presence: his voice, his mental state, be it provocative, even obscene." In Flaszen's words, "the actor, paradoxically, must play himself, his own dream of a tragic death (for instance), his nostalgia of a heroic gesture, his weakness when trying to surpass the other men. . . ." To achieve this, the actor must achieve "a veritable trance" by "defeating the obstacles opposed by his body to his innermost impulses." It all goes back to the theatre of Stanislavski in pre-revolutionary Moscow.

But there is also a touch of Dr. Jung. In the ensemble's repertory have been Marlowe's *Faust*, Byron's *Cain*, and several Polish classics, all chosen because "they express myths." To the Grotowski group, plays are chosen as "points of departure" for the "testing of their myths against contemporary experience." The test appears to be the actor's ability to slip into a mythical figure's skin, make the myth live through the acting out of what he has in himself as a man of today.

To acquire such a skill, Grotowski's actors, together, go daily through hours of a special training, in "all the means of expression of the psychophysical organism"; that is, breathing exercises, gymnastics, ballet, acrobatics, yoga and Zen, along with diction and acting proper. Since the studio was founded, it never had more than nine actors at a time. They appear geniuses in what they can do.

ANDREAS FREUND

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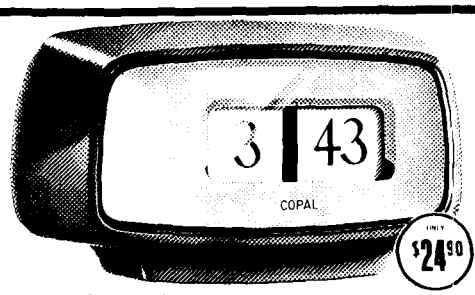

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ART

Americans in Venice

Venice

This city arose out of the mud and marsh of the northwest corner of the Adriatic as the result of a mass flight from reality. Reality, represented by barbarian invaders from the north, was laying hand on Italy as it had already laid hand on the rest of the Roman empire, and was shaking things up in one of the elemental changes of history. The proto-Venetians opted out of that history and began some of their own, out on the water.

Thus, while the rest of Europe was being formed out of a violent mixture of late Roman order and middle barbarian energy, Venice formed herself out of Roman memories and experience of the new Rome at Constantinople and elsewhere. When the Most Serene Republic became a power worth contending with, the typical mode of its politics was the eastern, Byzantine mode of the palace conspiracy. Situated between east and west, the Most Serene became the first great trading center of emerging Europe, a city of brokers. The political mode of conspiracy, reduced to private relations, became, in the 18th Century, intrigue as personal style, as manners, as civilized behavior. Ladies in Venice took to wearing masks in public and it wasn't to ward off the evil night humors.

All of these views of Venice go into the making of the city's principal art manifestation, the *Biennale Internazionale d'Arte*, of which the 33rd edition may be seen at the public gardens from now until October. Even more than the 32nd, two years ago, the 33rd fits into the Venetian patterns of intrigue, of trade and brokerage, of pleasure and fashion.

Elements in the international art world are still smarting from the capture of the grand prize last time by Robert Rauschenberg, the grandpop of American far-out-ism, who has moved from painting into diverse forms of what are still called theatre, dance and music. This American victory was widely felt to be the result of intrigues carried out by Rauschenberg's New York dealer, Leo Castelli. The intrigue this year became a kind of anti-intrigue, often the best kind. In the popular reading of the jury's actions, the anti-intriguers were unable to agree on one major candidate of their own and hit upon a compromise, the little known Argentinian, Julio Le Parc.

It may all be true. It would be rather nice if it were. It would offer a convenient explanation of why the Americans failed to repeat their triumph, an explanation vastly more soothing than the obvious one that the American representation in Venice this year has no point, no direction, no merit and no impact. It was chosen, finally, by Henry Geldzahler, the pop curator of the Metropolitan Museum, either as an honest effort to show four second-rate artists of the present time in our country, or, as is widely believed in the Most Serene city's visiting colony of international art people, as the hasty effort to get Mr. Castelli's current candidate, Roy Lichtenstein the comic-strip man, into the Biennale in a not too improbable context.

It is true that Mr. Lichtenstein was included in a list originally proposed by the Guggenheim's recently departed pop curator, Lawrence Alloway. It is true that Mr. Lichtenstein did not appear on the Guggenheim's list as amended by the Guggenheim director, Thomas M. Messer, and handed in to the National Collection of Fine Arts, the presiding agency for US participation. And it is true that thereupon the National Collection dismissed the Guggenheim as chosen institution and institutionalized Mr. Geldzahler, on leave from the Met, to do the job. Mr. Lichtenstein, like Lazarus, reappeared among the living.

It could even be said that Mr. Lichtenstein dominates the American pavilion, but it should immediately be added that so would Norman Rockwell or Milton Caniff. The reason is that a picture of something, however inane, banal or dull, is preferable to a picture of nothing, and it is with these latter that Mr. Geldzahler has surrounded Lichtenstein's comic strip drawings. Namely:

► The aimless splashings of Miss Helen Frankenthaler, who has done in oils and in enormous scale what is often very pretty in water color in very small size, the free flow of color. The great size makes for a lot of emptiness, a thing Miss Frankenthaler has plenty of.

► The very tall sprayed-on painted panels of Jules Olitsky, who not only uses the spray-gun as a breakthrough, but breaks even further by laying some canvases over others for spraying, thus blocking out areas of those underneath and achieving the effect of

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spraying paint onto canvas with part blocked out.

► And the latest of Ellsworth Kelly, once a hard edger now gone over to panels of pure color, the paint chips of the decorator multiplied in size by *about three million.*

All of this may have struck Mr. Geldzahler as lively, daring, breakthrough stuff, but it seems pretty tame at Venice. The Europeans, vanquished last time by the invading barbarians, have now retreated to a magical island system of their own, and have brought into being a sub-culture of fad and fashion which, although possibly derived from American Pop, has, like Venice, gone far beyond anything being done on the American mainland.

Julio Le Parc sums it all up in his infinitely varied playland. Art has become a participant sport. The spectator is invited to play at the Biennale. There are special sets of shoes to buckle on, one weighted like a diver's, one springy like a pogo stick. There are doctored glasses to put on and a suite of magic mirrors to look into. There are revolving lights and reflectors. There are buttons to press which release whirling cylinders which strike ping-pong balls across revolving circular tables and walls. It's great fun and I think this is the main difference between the new European Pop and the older, American. We took ourselves too seriously over material which has nothing in it to justify anything more than momentary amusement. The Europeans – Le Parc, for all his constituting the entire Argentinian exhibition, is Paris based and even a member of an established Paris group – the Europeans frankly face the emptiness of the moment and enjoy it.

There is a historical closing of a circle here. American art of the postwar decades can reasonably be described as making earnest of what was jest in Dada and Surrealism, and not only earnest but historical and learned and theoreticianish. We proceeded with those earnest attitudes from abstract expressionism and action painting to Pop and movement and what you will and these latter manifestations, in the hands of the Europeans, especially Le Parc, have now been returned to the joke book of the Cabaret Voltaire, where it all began half-a-century ago.

Even the new fad of movement can be and has been salvaged for art. The Swiss, Walter Linck, does so in large and small constructions and wires and bars that the spectator puts into movement. It's out of Calder, no doubt, but made a bit more nearly representational: "Nervous Woman" sways back and forth in wire on wire with little nubbins for breasts that jiggle and joggle.

Better still is the German, Günter Haese, who has created a lively, intelligible, communicative and aesthetic language out of wire mesh and clock-springs and wires, diminutive, shaped into abstractions that convey subjects and comments and yet are self-sufficient, endlessly rewarding objects of contemplation. He has those rarest of qualities among the Germans, wit and delicacy, and he ought to be watched.

FRANK GETLEIN

RECORDS

The Expanded Repertory

The LP record has extended our knowledge of the literature of music far beyond the limited standard repertory of the concert hall; but even the earlier 78-rpm record did this to a smaller extent, notably in the HMV subscripton series, and in particular the series of Schnabel's performances of Beethoven, which included – in addition to the 32 sonatas and the *Diabelli Variations* – infrequently heard works that I am not sure Schnabel himself performed in public in this country. Of these, Angel reissued not long ago the performances of the Variations Opp. 34 and 35; and now Angel COLH-66 (mono only) gives us the ones of the Bagatelles Opp. 33 and 126, the Fantasia Op. 77 and the well-known *Fuer Elise*. The Bagatelles are small pieces; but I doubt that even the engaging seven of the early Op. 33 were "dashed off," as the accompanying notes assert; and the assertion is even less believable about the six of the late Op. 126, which have the introspective remoteness and strangeness, and in these the enigmatic concentration, of Beethoven's late writing for the piano. I have heard no playing of this late writing that made it mean what Schnabel's playing did; nor, on the other hand, have I heard anyone who made the early writing of Op. 33 as delightful as Schnabel did. And he does as well with the strange Fantasia Op. 77 and engaging *Fuer Elise*.

The musically enlivening piano-playing of Benjamin Britten that contributed so much to Peter Pears' performance of Schubert's *Die schoene Muellerin* works with superb effect in Mozart's Piano Concerto K.414, in which it is beautifully integrated with the fine playing of the Aldeburgh Festival Orchestra. Having waited in vain for London to issue the performance here,

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I now recommend acquiring it on imported English Decca LW-5294 (mono).

After the unfavorable reviews of Giulini's performances of Mozart's Symphony in G minor, K.550, and so-called *Jupiter* Symphony, K.551, with the New Philharmonia Orchestra, I was quite unprepared for the excellently paced and shaped performances that came off London CM-9479 and CS-6479. I prefer the solider and better-defined mono sound.

The gracelessly plodding first movement of Mozart's Symphony K.201 that Klemperer produces with the New Philharmonia on Angel 36329 (mono) is difficult to understand, not only because the music itself so clearly demands a more animated tempo, but because Klemperer defers to such demands by the subsequent movements of K.201 and those of the Symphony K.319 on the reverse side.

The Albinoni oboe concertos on Angel 36325 (mono) are pleasant to listen to, especially as they are performed by Pierlot with the Antiqua Musica Chamber Orchestra under Jacques Roussel's direction.

The unfamiliar Concertone K.190 of Mozart, on Columbia ML-6248 (mono), turns out to be a work similar to the Sinfonia Concertante K.364, involving this time a solo group of two violins and oboe, with attractive high-spirited writing in the opening movement and lovely writing in the Andantino grazioso. First-rate playing by the violinists Jaime Laredo and Michael Tree and the oboist Leonard Arner is admirably framed and supported by the playing of the Marlboro Festival Orchestra under Alexander Schneider's energetic and sensitive direction. And the reverse side has an outstanding performance of Mendelssohn's fine Octet by Laredo, Schneider, Arnold Steinhardt and John Dalley, violins, Michael Tree and Samuel Rhodes, violas, and Leslie Parnas and David Soyer, cellos.

The latest performance of Schubert's Quintet Op. 163, by the Amadeus Quartet and William Pleeth, second cello, on Deutsche Grammophon 39-105 (mono), is finicky and over-deliberate.

And outside of the standard chamber music repertory there are the Boccherini quartets on Music Guild 123 – Opp. 64 No. 1 and 58 No. 5 and the single movement of Op. 64 No. 2 – in which the Boccherini mind operates in its individual way delightfully, and which the Carmirelli Quartet plays superbly, together with an engaging quartet by Cambini. I have heard only the stereo version, which is good.

It is a curious miscellany that Joan Sutherland sings on London 5776 and OSA-25776 with the London Symphony under Bonynge: on side 1, "Ocean! thou mighty monster" from *Oberon* and other familiar arias from *Dinorah, Le Cid* and *I Pagliacci;* on side 2, unfamiliar and interesting arias from Verdi's *I Masnadieri* and *Luisa Miller,* Rossini's *La Cambiale di Matrimonio* and Bellini's *Beatrice di Tenda.* The performances exhibit again her remarkable and at times spectacular control of a voice that is attractively bright only in its upper range; the impressive sense for shape of phrase and style that operates in her use of the voice much of the time; the mannerisms – the little moans, the little explosions of tone – that she falls into sometimes.

Columbia ML-6241 and MS-6841 have given me my first hearing of Beethoven's *Christ on the Mount of Olives,* which turns out to be not a great work of his, certainly, but an interesting one with its dramatically expressive writing prefiguring that of *Fidelio.* It is performed well by Ormandy with the Philadelphia Orchestra, Richard Lewis, Judith Raskin, Herbert Beattie and the Temple University Choirs.

Vivaldi's *Gloria* and *Kyrie* – sung beautifully on Victor LM- and LSC-2883 by the Robert Shaw Chorale with Adele Addison, Saramae Endich, Florence Kopleff and an instrumental group – have writing in fast tempo which resembles that of his instrumental works; but there are in addition beautiful and affecting pages in slow tempo that are like nothing else of his.

And Haydn's *Theresienmesse,* one of the series of remarkable choral works he produced in his last years, is performed superbly on Argo RG-500 and ZRG-5500 by the Choir of St. John's College, Cambridge, a solo group comprising Erna Spoorenberg, Bernadette Greevy, John Mitchison and Tom Krause, and the Academy of St. Martin-the-Fields under George Guest's direction. I prefer the mono sound.

B. H. HAGGIN

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Correspondence

West Side Story

Sirs:

Please accept my congratulations on Mr. Satter's "West Side Story" (July 2). This was about the best article I have ever read on the country's toughest internal problem.

However, despite his balanced, "systems approach" to the total problem, he does leave the impression that the Negro arrivals since the early 1950's are deficient in civilized habits. What he fails to convey is the deep double shock of their being forced out of their agrarian 19th-Century life in the South by mechanization and of arriving suddenly, unprepared, in a harsh 20th-Century urban environment.

I have studied the living habits of Negroes on two Southern cotton plantations and from that sample (55 families) can assure you their level of living is at least equal to that of whites. But neither in the South nor in the North are they prepared or trained for the brutal discontinuity in living habits forced upon them. The poor habits which Mr. Satter noted are, I believe, a regression which might be forced on any of us in a similarly brutalizing situation.

What the United States needs are way-stations or arrival points where they could be provided for decently and trained to live and work in a totally new environment.

Charles R. Bowen
Stanford, Conn.

Medical Assistance

Sirs:

In your discussion of New York's medical assistance program under Title XIX of the Social Securtiy Act ("Care for the Not-So-Poor," June 4; "Medical Care in New York," June 18), not much is said about the problem which the cost of medical services poses for the greater part of our population, not just the 40 percent who are eligible for assistance under the program.

All but the very rich (more than "many Americans") are "medically indigent" in the sense that they cannot afford the best medical treatment for prolonged illness requiring long hospitalization and specialized care, even if they are lucky enough to have insurance which covers part of such expenses. This problem cannot be solved by providing welfare support for the majority of our population.

The New York program provides the most comprehensive partial remedy now available. It is to be hoped that, as David Sanford assumes, Medicare and Title XIX represent the first step toward national health insurance for all – a comprehensive, dignified, and financially feasible solution of the problem.

Kurt Bing
Troy, N.Y.

The Sleepwalkers

Sirs:

Your July note "The Sleepwalkers," was ominously cogent. But I would ask you to reexamine one statement: "All along, Mr. Johnson has been gripped by the ghostly fancy that our national security . . . depends upon which Vietnamese govern in Saigon." This would imply that Mr. Johnson is not very bright.

If the President is, indeed, determined to forestall an early compromise, it must be for a more believable reason: a reason grounded in political realities.

Although the average American does not object to the generic idea of a negotiated peace, there would be widespread outrage and alarm at any actual concession made to the Viet Cong. Republican oratory would see to that. Mr. Johnson's chances for a second term would be swept away by the accusation that he had ended the war too soon. This, I submit, is what he fears most.

Rev. Richard F. Olson, S.J.
Xavier High School
Concord, Mass.

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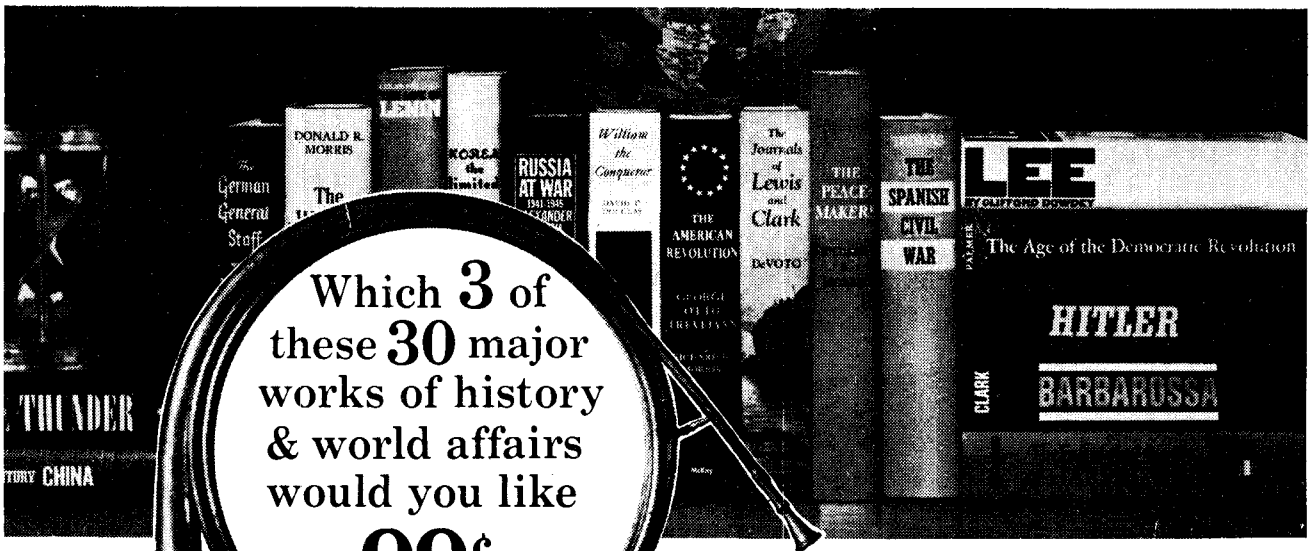

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